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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE NO. 4:14CR141
)
VS.)
)
FRANK GEORGE OWENS, JR.,)
AND ERIC GLENN PARKER,)
)
Defendants.)

JURY TRIAL - DAY 2 - TESTIMONY
BEFORE SENIOR DISTRICT JUDGE GLEN H. DAVIDSON
TUESDAY, APRIL 5, 2016; 9:20 A.M.
OXFORD, MISSISSIPPI

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21 produced by computer.

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1 (JURY IN AT 8:55 a.m.)

2 (CALL TO ORDER OF THE COURT)

3 THE COURT: Ladies and gentlemen of the jury, I want
4 to give you brief instructions relative to your taking of notes
5 if you elect to take notes during this trial. If you would
6 like to take notes during the trial, you may do so.

7 On the other hand, you are not required to take notes if
8 you prefer not to do so. Each of you should make your own
9 decision about this. If you do decide to take notes, be
10 careful not to get so involved in your note taking that you
11 become distracted from the ongoing proceedings.

12 Your notes should be used only as memory aids. You should
13 not give your notes precedent over your independent
14 recollection of the evidence. If you do not take notes, you
15 should rely upon your own independent recollection of the
16 proceedings; and you should not be unduly influenced by the
17 notes taken by other jurors.

18 Notes are not entitled to any greater weight than the
19 memory or impressions of each juror as to what the testimony
20 may have been. Whether you take notes or not, each of you must
21 form or express your own opinions as to the facts of the case.

22 You will note that we do have an official court reporter
23 taking a record of the trial. However, we will not have
24 typewritten transcripts of this record available for your use
25 in reaching any decision in this case.

1 Now, with that said, is the Government ready to call your
2 first witness?

3 MR. LEARY: The Government's ready, Your Honor. It
4 would call Dwayne Smith.

5 (OATH ADMINISTERED BY THE COURTROOM DEPUTY)

6 THE COURTROOM DEPUTY: Please take a seat in the jury
7 box, then state your name for the record.

8 THE WITNESS: Good morning. My name is Dwayne Smith,
9 D-w-a-y-n-e.

10 DWAYNE SMITH, GOVERNMENT'S WITNESS, SWORN

11 DIRECT EXAMINATION

12 BY MR. LEARY:

13 Q. Mr. Smith, where are you currently employed?

14 A. I'm currently employed for the Drug Enforcement
15 Administration.

16 Q. And how long have you worked for the Drug Enforcement
17 Administration?

18 A. More than 25 years.

19 Q. Okay. Where are you currently working?

20 A. I am currently assigned to the operations division of DEA
21 in Washington, DC.

22 Q. And when did you move to Washington, DC?

23 A. Four months ago.

24 Q. Okay. Now, before working in Washington, DC, where did
25 you work?

1 A. I was in Oxford, Mississippi. I worked for DEA down here.

2 Q. Okay. Tell the ladies and gentlemen of the jury what your
3 rank was with the DEA.

4 A. Sure. Absolutely. I was a supervisor for DEA. I was the
5 resident agent in charge of the Oxford, Mississippi, drug
6 enforcement.

7 Q. Okay. Is that called the RAC?

8 A. Yes, sir. It's called the RAC for short.

9 Q. Okay. Now, as far as your duties as RAC of the DEA, where
10 was your jurisdiction? What part of the state of Mississippi
11 did you investigate?

12 A. The northern half of Mississippi, which encompasses 37
13 counties, basically all of north Mississippi if you can think
14 from Greenville to Columbus, all the way up.

15 Q. Okay. And explain to the ladies and gentlemen of the jury
16 whether the Southern District of Mississippi also has a RAC?

17 A. The Southern District, yes, sir, they do, down in
18 Gulfport.

19 Q. Okay. And their jurisdiction, as far as investigating, is
20 where?

21 A. In south Mississippi.

22 Q. Okay. Briefly explain to the ladies and gentlemen of the
23 jury any specialized training that you have received in the
24 field of narcotics investigation.

25 A. Sure. In 1991, I attending the DEA Basic Training

1 Academy. I think it was about 16 weeks. Upon graduation, I
2 was assigned to the field. And, since 1991, I have received
3 specialized training at various times anywhere from conspiracy
4 investigations, financial money laundering investigations,
5 clandestine labs; you name it. It's just a whole litany for 25
6 years.

7 Q. I'm sorry, Mr. Smith. Have you participated in narcotics
8 investigations during your career?

9 A. Yes, sir, I have.

10 Q. Actual investigations?

11 A. Yes, sir.

12 Q. About how many?

13 A. A lot.

14 Q. In what capacity?

15 A. Sir?

16 Q. In what capacity?

17 A. In an undercover capacity, as a case agent in charge of a
18 case, and as a supervisor.

19 Q. Were you ever involved in investigating money laundering?

20 A. Yes, sir.

21 Q. Criminal gangs?

22 A. Yes, sir.

23 Q. Gun trafficking?

24 A. Yes, sir.

25 Q. Meth trafficking?

1 A. Yes, sir.

2 Q. About how many witnesses have you debriefed pursuant to
3 your employment with the Drug Enforcement Administration?

4 A. Numerous, too many to count.

5 Q. Tell the ladies and gentlemen of the jury what a Title III
6 investigation is.

7 A. Basically, I'm just going to sum this up in one word, all
8 right? A Title III investigation is a wiretap.

9 Q. Okay.

10 A. That's all it is.

11 Q. So, when I say intercepted communications, what am I
12 talking about?

13 A. An intercepted communication basically, to simplify this,
14 it just means a recorded conversation.

15 Q. Now, during the course of your employment with DEA,
16 estimate how many Title III investigations you've been involved
17 in.

18 A. Oh, man, hundreds, hundreds.

19 Q. And, again, in what capacity?

20 A. Again, as case agent and as supervisor.

21 Q. Have you ever been a part of an investigation where the
22 targets were utilizing cell phones inside a prison facility?

23 A. One time.

24 Q. And what was that one time?

25 A. This case here, the investigation of the Aryan

1 Brotherhood.

2 Q. Now, is that unique in your experience?

3 A. Yes, sir. It was very unique. It's the first time, in
4 25 years, that I've ever experienced this.

5 Q. Okay. And the investigation you're talking about concerns
6 the investigation of what criminal organization?

7 A. The Aryan Brotherhood of Mississippi.

8 Q. And the Aryan Brotherhood of Mississippi, based on your
9 investigation, was involved in what type crimes?

10 A. Anywhere from drugs, money laundering, guns, acts of
11 violence; you name it.

12 Q. Based on your experience and training Mr. Smith, are you
13 familiar with the techniques utilized by drug traffickers to
14 import drugs into north Mississippi?

15 A. Yes, sir, I am.

16 Q. Based on your experience and training, Mr. Smith, are you
17 familiar with the tools of the trade utilized by traffickers to
18 distribute methamphetamine in north Mississippi?

19 A. Yes, sir, I am.

20 Q. Are you familiar with the language and terminology used by
21 drug traffickers when discussing the importation of illegal
22 drugs into the Northern District of Mississippi?

23 A. Yes, sir, I am.

24 Q. Based on your experience and training, are you familiar
25 with the codes and the slang utilized by narcotics traffickers?

1 A. Yes, sir.

2 Q. A court-authorized wire -- excuse me. A court-authorized
3 wire intercept.

4 A. Uh-huh.

5 Q. Explain the significance of wire intercept.

6 A. Basically, a wire intercept is the intersection of
7 communications, voice.

8 Q. Okay. And talk about the difference between a wire
9 intercept and an electronic intercept.

10 A. An electronic intercept is the intercept of text messages.

11 Q. Okay. And a wire intercept is an interception of?

12 A. A wire interception could encompass both. It could be
13 audio as well as text too.

14 Q. So, if somebody's talking on the phone, just talking, and
15 that's intercepted, that would be a?

16 A. Wire intercept.

17 Q. Now, explain the significance of the term court
18 authorized?

19 A. Court authorized means that a district court judge has
20 signed an order authorizing DEA to intercept communications of
21 a cell phone.

22 Q. Can the Drug Enforcement Administration just decide to
23 intercept communications without court approval?

24 A. No, sir.

25 Q. What would happen if you did that?

1 A. I'd probably be sitting over there.

2 Q. Okay. Have you ever actually monitored communications
3 pursuant to a court-authorized wire intercept?

4 A. Yes, sir, I have.

5 Q. How many times?

6 A. Mr. Leary, I can't count.

7 Q. Too many to count?

8 A. Too many to count. No, sir, I can't put a number on it.
9 It's a lot.

10 Q. In order to obtain a court-authorized wire intercept,
11 explain to the ladies and gentlemen of the jury what type
12 documents are required.

13 A. Basically, it's three documents. It's what's called an
14 application, which is a document that the United States
15 Attorney's Office drafts. There's an affidavit, which is
16 nothing more than a written statement of facts by an agent or a
17 task force officer; and then there's the court order from the
18 judge. The judge signs a court order authorizing the intercept
19 of communications.

20 Q. Now, explain to the ladies and gentlemen of the jury how
21 the calls in the Northern District of Mississippi are actually
22 intercepted.

23 A. Yes, sir. Basically, what happens, once we get a court
24 order from the district court judge, okay, we get with our
25 technical people at our main DEA office in Metairie and New

1 Orleans, Louisiana. All right?

2 This document is sent to the phone company, which, I
3 believe, in this case, was AT&T. All right. It goes to their
4 legal department. Their legal department looks at it. All
5 right. And then a technician from the phone company will
6 actually route the intercept to the DEA office in New Orleans,
7 okay, where it's recorded.

8 And it's also simultaneously routed to the DEA office here
9 in Oxford. We have a machine. It's called a T2-S2 that we use
10 to listen and to minimize. And Mr. Leary will get into that in
11 a little bit. But, basically, this is what we monitor. It's
12 monitored in Oxford, and it is recorded in New Orleans.

13 Q. So the DEA is required by court order to minimize calls?

14 A. Yes, sir.

15 Q. And minimization actually takes place where?

16 A. It takes place here in Oxford.

17 Q. In Oxford? And minimization occurs by agents listening to
18 the calls and turning the calls off when what happens?

19 A. When, basically, it gets to general conversation, whether
20 they're talking about the weather or something. But there's
21 also stipulations if he's -- the target is talking to a lawyer,
22 if he's talking to a priest, a spouse, of that nature, then we
23 would minimize. We'll cut the calls off; and then we'll come
24 back, you know, and spot check.

25 Q. Were minimization procedures followed in this case?

- 1 A. Yes, sir, they were.
- 2 Q. Were the court-authorized wire intercepts effective in
- 3 this case?
- 4 A. Yes, sir.
- 5 Q. Okay. How long was the court orders authorizing the
- 6 intercepts?
- 7 A. Thirty days.
- 8 Q. Okay. And did the intercepts ever actually last 30 days?
- 9 A. No, sir, they did not.
- 10 Q. So, in this particular case, how many intercept orders
- 11 were there?
- 12 A. There were two.
- 13 Q. Okay. And the first one was for how many days?
- 14 A. Well, the first -- the order was for 30 days, and we were
- 15 actually up listening to the line for ten days.
- 16 Q. Okay. And then -- and then what happened?
- 17 A. The target, Perry Mask, dropped the phone. He got rid of
- 18 it and got another phone.
- 19 Q. Okay. So what did DEA do in response to that?
- 20 A. We discovered his new phone number and pursued it and got
- 21 another wiretap on that phone.
- 22 Q. Okay. And how long were we actually up listening to that
- 23 second wiretap?
- 24 A. I believe it was seven days.
- 25 Q. Okay. So total interception period, including both taps,

1 included about how many days?

2 A. About 17 days.

3 Q. Are you telling the ladies and gentlemen of the jury that
4 you got every phone call that ever took place between Perry
5 Mask and Frankie Owens?

6 A. Yes, sir.

7 Q. Okay. Between -- well, between that time period?

8 A. Between -- the first wire -- let me get my dates right --
9 was October 22nd to October 31st, which was ten days. That was
10 the first wire. The second one was November the 12th to
11 November the 19th, 2013, which was seven days.

12 Q. If they talked before the court order was signed, we
13 didn't get that?

14 A. Oh, no, sir.

15 Q. If they talked in between the first and second order, did
16 we get those?

17 A. No, sir.

18 Q. Okay. Now, the investigation at hand that the jury is
19 listening to right now concerned what organization?

20 A. The Aryan Brotherhood of Mississippi.

21 Q. And what type gang is the Aryan Brotherhood?

22 A. It's a white-based prison gang.

23 Q. About when did this investigation begin, Mr. Smith?

24 A. It started around the middle of 2013, as I recall.

25 Q. And how did this investigation originate, if you recall?

1 A. It just -- like any other case, it originated with
2 information that our office received; and we pursued it and
3 identified a drug-trafficking organization operating in the
4 Northern District of Mississippi.

5 Q. What law enforcement agencies were involved in this
6 investigation?

7 A. As I recall, it was FBI, ATF; of course, DEA; the
8 Mississippi Bureau of Narcotics; and several state and local
9 law enforcement agencies.

10 Q. Was the investigation successful?

11 A. Oh, yes, sir.

12 Q. About how much methamphetamine was seized in this case?

13 A. More than 20 pounds of methamphetamine.

14 Q. Is that a significant amount?

15 A. Yes, sir, very.

16 Q. About how much money was seized?

17 A. Approximately \$130,000.

18 Q. Were wire intercepts obtained in this case?

19 A. Yes, sir, they were.

20 MR. LEARY: Your Honor, may I receive permission to
21 approach the defendant?

22 THE COURT: Yes, sir. Except he's a witness, not a
23 defendant.

24 MR. LEARY: Oh, I'm sorry.

25 THE COURT: Okay.

1 MR. LEARY: I'm going to turn right around, though,
2 if it pleases the Court, and give the defendants copies of the
3 information.

4 THE COURT: Very well.

5 BY MR. LEARY:

6 Q. Mr. Smith, would you please identify the document that I
7 just handed to you?

8 A. Yes, sir. Where's my glasses? This is an order
9 authorizing the interception of wire and electronic
10 communications on a phone used by Perry Mask.

11 Q. Okay. And that particular order was signed on what date?

12 A. October 21st of 2013. This would be Wiretap No. 1.

13 Q. Okay. And that wiretap lasted for approximately how many
14 days?

15 A. Ten days.

16 Q. And the wiretap was ordered -- it was authorized for how
17 long?

18 A. Thirty days.

19 Q. Okay. And it was actually up for approximately ten days?

20 A. Yes, sir.

21 MR. LEARY: Your Honor, at this time, the Government
22 would move to have the wire intercept order for Wiretap No. 1
23 entered into evidence as the first Government exhibit in this
24 case.

25 THE COURT: Your exhibit number will be No. 1?

1 MR. LEARY: Number 1.

2 THE COURT: G-1. Okay. Any objection?

3 MR. SUMRALL: No objection, Your Honor.

4 MR. TURNER: No, Your Honor.

5 THE COURT: Okay. The Government's Exhibit No. 1 is
6 admitted into evidence.

7 (EXHIBIT NO. G-1 WAS RECEIVED INTO EVIDENCE)

8 BY MR. LEARY:

9 Q. Mr. Smith, would you please identify the document I just
10 handed you.

11 A. Okay. This is an order authorizing the interception of
12 wire and electronic communications, again, on Perry Mask. It
13 is dated November 12th of 2013.

14 Q. Okay. Now, that was the second court-authorized intercept
15 of Perry Mask?

16 A. Yes, sir. This would be Wiretap No. 2.

17 Q. And how many days was it authorized for?

18 A. Thirty days.

19 Q. And how long was it actually up?

20 A. Seven days.

21 Q. Okay.

22 MR. LEARY: Your Honor, at this time, the Government
23 would move to have the second court-authorized intercept order
24 entered into evidence as Government's Exhibit No. 2.

25 THE COURT: Any objection?

1 MR. SUMRALL: No, Your Honor.

2 MR. TURNER: No, Your Honor.

3 THE COURT: Okay. G-2 is admitted into evidence.

4 (EXHIBIT NO. G-2 WAS RECEIVED INTO EVIDENCE)

5 BY MR. LEARY:

6 Q. Now, Mr. Smith, were calls intercepted pursuant to court
7 order No. 1?

8 A. Yes, sir.

9 Q. Mr. Smith, would you please identify what I've just handed
10 you?

11 A. This is a disk containing Title III, which is wiretap,
12 calls on Wiretap No. 1 of Perry Mask. It is what is called an
13 "all-calls disk." Every recorded call from Wiretap No. 1 is on
14 this disk.

15 Q. Okay. Now, have you initialled that disk?

16 A. Yes, sir, I have.

17 MR. LEARY: Okay. I would like to mark this for
18 identification as Government's Exhibit No. 3.

19 THE COURT: Very well.

20 (EXHIBIT NO. G-3 WAS MARKED FOR IDENTIFICATION)

21 BY MR. LEARY:

22 Q. Now, Mr. Smith, would you please identify what I just
23 handed you?

24 A. Yes, sir. Again, this is another disk containing all
25 wiretap-related calls from Wiretap No. 2 on Perry Mask.

1 Q. Now, do you see your initials on that diskette?

2 A. Yes, sir, I do.

3 MR. LEARY: Your Honor, at this time, the Government
4 would move that the all-calls diskette for court order No. 2 be
5 identified in evidence as Government's Exhibit No. 4.

6 THE COURT: Very well.

7 MR. SUMRALL: Your Honor, is he moving for identity
8 or introduction?

9 MR. LEARY: Both.

10 THE COURT: He asked it to be marked for
11 identification.

12 (EXHIBIT NO. G-4 WAS MARKED FOR IDENTIFICATION)

13 BY MR. LEARY:

14 Q. Now, Mr. Smith, the calls that were intercepted on Wire
15 No. 1 and Wire No. 2, have specific calls been pulled from
16 those recordings to be played at trial today?

17 A. Yes, sir, they have.

18 Q. About how many of them are there?

19 A. There should be 11.

20 Q. Now, have you listened to those 11 calls?

21 A. Oh, yes, sir, I have.

22 Q. Have there -- have transcripts been presented -- excuse
23 me -- developed for each of those 11 calls?

24 A. Yes, sir, they have.

25 Q. While listening to the individual 11 calls, did you

1 compare those calls to what was just identified from the
2 all-calls disk?

3 A. Yes, sir, I did.

4 Q. Was the individual call that you listened to identical to
5 the recording on the all-calls disk?

6 A. Yes, sir.

7 Q. When you listened to the recording, did you read the
8 transcript?

9 A. Yes, sir, I did.

10 Q. Did the transcript accurately reflect the words spoken on
11 the recordings?

12 A. Yes, sir, it did.

13 Q. Now, Mr. Smith, the recordings in this case, were they
14 long or short?

15 A. Oh, they were long.

16 Q. Very long?

17 A. Some of them almost two hours, close to it.

18 Q. Okay. Explain the difference between a redacted call and,
19 an unredacted call.

20 A. Okay. Basically, an unredacted call is the call in its
21 entirety, from beginning to end, which includes everything they
22 talk about. A redacted call is when certain portions of the
23 calls are taken out. All right? Stuff that that -- that was
24 not deemed important at the time. It's just general
25 conversation was taken out. And it reduced the call

1 significantly.

2 Q. Did it reduce the length of the call?

3 A. Yes, sir. In some instances, it did.

4 Q. The redacted calls, did they include what you believed to
5 be pertinent information contained in the calls?

6 A. Yes, sir. There was pertinent information.

7 Q. And the impertinent information, was it left off the
8 redacted calls?

9 A. Yes, sir. It was left off, absolutely.

10 Q. Now, in this case, do we have both the redacted calls and
11 the unredacted calls?

12 A. Yes, sir, we have both.

13 Q. Okay. If these calls are entered into evidence, can
14 defense counsel play the whole call if they choose to?

15 A. Yes, sir, they could.

16 Q. Okay. Now, Mr. Smith, would you please identify the
17 document I just handed to you?

18 A. Okay. You have handed me a disk containing recorded
19 conversation as well as an accompanied transcript of said call.

20 Q. Okay. And that call number is what?

21 A. It's Call No. 233.

22 Q. And it was on what date?

23 A. October 22nd of 2013.

24 Q. Between which parties?

25 A. Between Frankie Owens, Perry Mask, Jenkins, and Parker.

1 Q. Okay.

2 A. Eric Parker.

3 Q. Did you listen to that call?

4 A. Yes, sir, I did.

5 Q. Have you initialled that diskette?

6 A. Yes, sir, I have. Right here.

7 Q. Is that diskette a true and accurate recording of the
8 diskette from the all-calls disk?

9 A. Yes, sir, it is.

10 MR. TURNER: I'm sorry, Your Honor. I didn't hear
11 the witness on something. Did he say Eric Parker?

12 THE WITNESS: I did.

13 BY MR. LEARY:

14 Q. That's the unredacted calls; is that correct?

15 A. Yes, sir, it should be.

16 Q. Thank you. Now, we just identified Call No. 233.

17 MR. LEARY: Your Honor, what I would like to do, if
18 it pleases the Court, is identify these calls -- these
19 unredacted calls and mark them for identification cumulatively.
20 I don't plan on playing those. If defense counsel would like
21 to, they can move them into evidence and mark them
22 individually.

23 THE COURT: Very well.

24 BY MR. LEARY:

25 Q. Now, I'm going to be careful walking over here. I'm going

1 to set these notebooks on your railing right here.

2 A. Yes, sir.

3 Q. And I'm going to ask you questions about the calls in
4 there. Now, you just identified Call No. 233. Is that
5 correct?

6 A. Yes, sir, that is correct.

7 Q. And that was an unredacted call; is that correct?

8 A. That is correct, unredacted.

9 Q. Now, what I would like for you to do is to identify the
10 ten other calls that are to be played at this trial. And would
11 you please identify the next number?

12 A. The next corresponding number is Call No. 235.

13 Q. And that was recorded on what date?

14 A. October 22nd of 2013.

15 Q. And was that call intercepted pursuant to the court orders
16 that have been previously entered into evidence in this case?

17 A. Yes, sir, it was.

18 Q. Okay. The next call, please?

19 A. Okay. Hang on. The next call is Call No. 347.

20 Q. Have you listened to that call?

21 A. Gosh -- yes, sir, I have.

22 Q. Is that call a true and accurate recording of the call on
23 the all-calls disk?

24 A. Yes, sir, it is.

25 Q. Call No. 347 was recorded on what date?

1 A. October 23rd of 2013.

2 Q. Is that an unredacted recording of Call No. 347?

3 A. That is correct, yes, sir.

4 Q. Thank you. Was that call intercepted pursuant to court
5 order?

6 A. Yes, sir, it was.

7 Q. Okay. Please pull out the next call.

8 A. The next call is Call No. 597, recorded on October 23rd of
9 2013.

10 Q. Have you listened to that call?

11 A. Yes, sir, I have.

12 Q. Did you compare that call to the recording on the
13 all-calls disk?

14 A. Yes, sir, I did.

15 Q. Are they identical?

16 A. Yes, sir, they are.

17 Q. Was that call intercepted pursuant to court order?

18 A. Yes, sir, it was.

19 Q. Would you please identify the next call.

20 A. Yes, sir. Standby. Okay. The next call is No. 748
21 recorded on October 25th of 2013.

22 Q. Was that call intercepted pursuant to court order?

23 A. Yes, sir, it was.

24 Q. Who was identified on that call?

25 A. Perry Mask, Frankie Owens, Johnny Phife, Pugh, and

1 Jenkins, on October 25th, 2013.

2 Q. Have you listened to that call?

3 A. Yes, sir, I have.

4 Q. Did you compare the content of that call to the actual
5 recording on the all-calls disk?

6 A. Yes, sir, I did.

7 Q. Are they identical?

8 A. Yes, sir, they are.

9 Q. Was Call 748 intercepted pursuant to court order?

10 A. Yes, sir, it was.

11 Q. What's the next call?

12 A. The next call is Call No. 1070; 1,070.

13 Q. And what date was that made?

14 A. October 26th of 2013.

15 Q. And the participants in the call are who?

16 A. Perry Mask, Frankie Owens, and William Carroll.

17 Q. And was that call intercepted pursuant to court order?

18 A. Yes, sir, it was.

19 Q. Did you listen to the call?

20 A. Yes, sir, I did.

21 Q. Did you compare the content of the call to the recording
22 on the all-calls disk?

23 A. Yes, sir, I did.

24 Q. Are they identical?

25 A. Yes, sir.

1 Q. For each of the calls that we are identifying right now,
2 has a transcript been produced?

3 A. Yes, sir, it has.

4 Q. Did you read the transcript while listening to the
5 recordings?

6 A. Yes, sir, I did.

7 Q. Do the words on the transcript actually reflect the words
8 spoken on the DVD?

9 A. Yes, sir.

10 Q. What's the next --

11 A. The next call is 1565.

12 Q. What date?

13 A. October 29th of 2013.

14 Q. Participants?

15 A. Perry Mask and William Carroll.

16 Q. Now, was that call intercepted pursuant to court order?

17 A. Yes, sir, it was.

18 Q. Have you listened to the call?

19 A. Yes, sir, I have.

20 Q. Have you compared the call to the call that was recorded
21 on the all-calls disk?

22 A. That is correct.

23 Q. And are they identical?

24 A. Yes, sir.

25 Q. Is that call intercepted pursuant to court order?

1 A. Yes, sir.

2 Q. Please identify the next call.

3 A. Yes, sir. Call No. 1642.

4 Q. 1642 was recorded on what date?

5 A. October 29th.

6 Q. Who are the participants?

7 A. Frankie Owens, Perry Mask, Steve Hubanks, and Pugh on

8 October 29th, 2013.

9 Q. Was that call intercepted pursuant to court order?

10 A. Yes, sir, it was.

11 Q. Have you listened to that call?

12 A. Yes, sir, I have.

13 Q. Have you compared that call to the original recording on
14 the all-calls disk?

15 A. I have.

16 Q. Are they identical?

17 A. Yes, sir.

18 Q. Is that call intercepted pursuant to court order?

19 A. That is correct.

20 Q. What's the next call number, please?

21 A. The next call number is 1741.

22 Q. And that call was intercepted on what day?

23 A. October 30th of 2013.

24 Q. And who are the participants in the call?

25 A. Mask, Owens, and William Carroll.

1 Q. And have you listened to that call?

2 A. Yes, sir, I have.

3 Q. And when I say listened to that call and all these
4 unredacted recordings we're reviewing right now, you identified
5 that you've listened to them by the initial on the actual DVD?

6 A. Yes, sir.

7 Q. And what call are we talking about right now?

8 A. Call No. 1741 from Wiretap No. 1.

9 Q. Was that call intercepted pursuant to court order?

10 A. It was.

11 Q. What's the next recording?

12 A. It's from Wiretap No. 2. It is 2-452.

13 Q. Have you listened to that call?

14 A. Yes, sir, I have.

15 Q. Did you compare that call to the original all-calls
16 diskette?

17 A. Yes, sir, I did.

18 Q. Is it identical?

19 A. Yes, sir.

20 Q. Have you listened to it?

21 A. Yes, sir, I have.

22 Q. Is the transcript accurate?

23 A. Yes, sir, it is.

24 Q. Was that call intercepted pursuant to court order?

25 A. Yes, sir, it was.

1 Q. And what's the final?

2 A. The final one is from Wiretap No. 2. It is 2-596 between
3 Perry Mask, Smith, and Tim Deshazier.

4 Q. Did you listen to that call?

5 A. Yes, sir, I did.

6 Q. Did you compare that call to the original recording on the
7 all-calls disk?

8 A. Yes, sir, I did.

9 Q. Were they identical?

10 A. Yes, sir.

11 Q. Was Call No. 2-596 intercepted pursuant to court order?

12 A. Yes, sir, it was. I think I need to make a correction on
13 Call No. 233. I think I said Mr. Parker was intercepted. I
14 don't believe he was intercepted on that first call.

15 Q. Okay. All right. So noted.

16 MR. TURNER: Thank you.

17 MR. LEARY: Your Honor, at this time, the Government
18 would move to have the 11 calls that were just referenced by
19 Mr. Smith identified in evidence just for identification as
20 cumulative Exhibit 5.

21 THE COURT: Very well.

22 (EXHIBIT NO. G-5 WAS MARKED FOR IDENTIFICATION)

23 BY MR. LEARY:

24 Q. Now, Mr. Smith, the 11 calls you just identified were
25 unredacted; is that correct?

- 1 A. That's correct.
- 2 Q. Now, have you listened to redacted calls in this case?
- 3 A. Yes, sir, I have.
- 4 Q. Were the redacted calls that you listened to the same
- 5 calls that were just identified into evidence?
- 6 A. That is correct.
- 7 Q. How many of them were there?
- 8 A. There were 11.
- 9 Q. For each of the 11 redacted calls, did you listen to them?
- 10 A. Yes, sir, I did.
- 11 Q. Did you read the transcript of the redacted calls?
- 12 A. Yes, sir, I did.
- 13 Q. Did the transcript actually reflect the words spoken on
- 14 all 11 redacted calls?
- 15 A. Yes, sir.
- 16 Q. For the 11 redacted calls, did you compare the redacted
- 17 calls to the unredacted calls?
- 18 A. Yes, sir, I did.
- 19 Q. Were the words spoken on the redacted calls identical to
- 20 those portions recorded on the unredacted calls?
- 21 A. Yes, sir.
- 22 Q. Now, did you compare them to the all-calls diskette?
- 23 A. Yes, sir, I sure did.
- 24 Q. And are they -- the words spoken identical from the
- 25 original all-calls diskette?

1 A. Yes, sir.

2 Q. I hand you what's been -- no. Would you please identify
3 what I'm handing you right now?

4 A. Yes, sir. It's Call No. 233 in its redacted form recorded
5 on October 22nd of 2013, a conversation between Perry Mask,
6 Frankie Owens, and Steve Hubanks.

7 Q. Was that -- was that call intercepted pursuant to court
8 order?

9 A. Yes, sir, it was.

10 Q. And is it an identical recording except for the redacted
11 portions of the original intercepts on the all-calls disk?

12 A. Yes, sir.

13 MR. LEARY: Your Honor, at this time, the Government
14 would move to have Call No. 233 entered into evidence as
15 Government's Exhibit 6A.

16 THE COURT: It's 233?

17 MR. LEARY: Yes, Your Honor.

18 THE COURT: Okay. Any objection?

19 MR. SUMRALL: Yes, Your Honor. May we have a
20 sidebar, please, sir?

21 THE COURT: Okay.

22 (DISCUSSION AT SIDEBAR OUTSIDE THE HEARING OF THE JURY)

23 MR. SUMRALL: Your Honor, the defense, on behalf of
24 Mr. Owens, would object to the introduction into evidence of
25 any of these phone calls on the basis that they were taps on

1 Perry Wayne Mask's phone, who is no longer a defendant in this
2 case, Your Honor. And, therefore, he gets out from under the
3 court order.

4 The court order said for Perry Wayne Mask's phone calls,
5 and he's no longer a defendant; therefore, these, in my
6 opinion, are not admissible. And I ask the Court to strike all
7 these phone calls.

8 MR. LEARY: Your Honor, I'd just respectfully assert
9 that Mr. Owens was intercepted on Perry Wayne Mask's calls that
10 were authorized by the Court. So, therefore, the intercept
11 itself is authorized.

12 THE COURT: Okay. The objection's overruled.

13 MR. SUMRALL: One more. May we have a continuing
14 objection?

15 THE COURT: Yes, sir. Your objection's overruled.

16 (END OF SIDEBAR)

17 MR. LEARY: Your Honor, if I may just back up, I
18 would respectfully request that the diskette be entered into
19 evidence as Government's Exhibit 6A and the transcript be
20 marked for identification as Government's Exhibit 6B.

21 THE COURT: Very well. The disk is received in
22 evidence as 6A, and the transcript is only marked for
23 identification. And I have a limiting instruction relative to
24 those transcripts when we get to that point.

25 (EXHIBIT NO. G-6A WAS RECEIVED INTO EVIDENCE)

1 (EXHIBIT NO. G-6B WAS MARKED FOR IDENTIFICATION)

2 BY MR. LEARY:

3 Q. Mr. Smith, would you please identify what I just handed
4 you.

5 A. It's a disk containing Call No. 235 in its redacted form
6 recorded on October 22nd, 2013, between Perry Mask, Frankie
7 Owens, and Steve Hubanks.

8 Q. Have you listened to that call?

9 A. Yes, sir, I have.

10 Q. Did you compare it to the original all-calls disk?

11 A. Yes, sir, I did.

12 Q. Are they identical except for the redacted portions?

13 A. That is correct, yes, sir.

14 MR. LEARY: Your Honor, at this time, the Government
15 would move to enter into evidence Call No. 235, with its
16 transcript marked for identification.

17 THE COURT: Okay. Mr. Sumrall, your objection's
18 noted; and the objection's overruled. The disk is admitted
19 into evidence. The transcript is marked for identification.

20 MR. LEARY: Your Honor, I believe the disk will be 7A
21 and the transcript will be 7B.

22 (EXHIBIT NO. G-7A WAS RECEIVED INTO EVIDENCE)

23 (EXHIBIT NO. G-7B WAS MARKED FOR IDENTIFICATION)

24 BY MR. LEARY:

25 Q. Would you please identify the DVD that I just handed you?

1 A. Yes, sir. Again, it's a disk containing Call No. 347 in
2 its redacted form recorded on October 23rd, 2013, between Perry
3 Mask and Frankie Owens.

4 Q. And did you listen to that call?

5 A. Yes, sir, I did.

6 Q. Did you compare that call to the original all-calls disk?

7 A. Yes, sir, I did.

8 Q. Is it true and accurate -- is it identical to the original
9 except for the redacted portions?

10 A. That is correct, yes, sir.

11 MR. LEARY: Your Honor, at this time, the Government
12 would move to have Call No. 347 entered into evidence as
13 Government's Exhibit 8A and call -- and the transcript of 347
14 marked for identification purposes only as 8B.

15 THE COURT: Very well. The disk is admitted as
16 Government's Exhibit 8A. The transcript is marked for
17 identification as 8B. The objection of Mr. Owens is noted.

18 (EXHIBIT NO. G-8A WAS RECEIVED INTO EVIDENCE)

19 (EXHIBIT NO. G-8B WAS MARKED FOR IDENTIFICATION)

20 BY MR. LEARY:

21 Q. Would you please identify the disk that I just handed you,
22 sir?

23 A. Yes, sir. It's a disk containing Call No. 597 in its
24 redacted form, recorded on October 24th, 2013, between Perry
25 Mask, Frankie Owens, and Steve Hubanks.

1 Q. And have you listened to that call?

2 A. Yes, sir, I have.

3 Q. Did you compare that call to the original on the all-calls
4 disk?

5 A. Yes, sir, I did.

6 Q. Is that call an identical to the original, except for the
7 redacted portions?

8 A. That is correct, yes, sir.

9 Q. Thank you.

10 MR. LEARY: Your Honor, at this time, the Government
11 would move to have Call No. 597 entered into evidence as the
12 next Government exhibit, being 9A; and its transcript marked
13 for identification purposes only as 9B.

14 THE COURT: Very well. The same ruling, the disk is
15 received into evidence; the transcript is marked for
16 identification; and the objection as to the defendant Owens is
17 noted.

18 (EXHIBIT NO. G-9A WAS RECEIVED INTO EVIDENCE)

19 (EXHIBIT NO. G-9B WAS MARKED FOR IDENTIFICATION)

20 BY MR. LEARY:

21 Q. Mr. Smith, would you please identify the disk that I just
22 handed you?

23 A. A disk containing Call No. 748 in its redacted form,
24 recorded on October 25th, 2013, between Perry Mask, Frankie
25 Owens, and Tony Bone.

1 Q. Now, Mr. Smith, did you listen to that call?

2 A. Yes, sir, I did.

3 Q. Did you compare that call to the original on the all-calls
4 disk?

5 A. Yes, sir, I did.

6 Q. Was it identical except for the redacted portions?

7 A. That is correct, yes, sir.

8 MR. LEARY: Your Honor, at this time, the Government
9 would move to have Call No. 748 entered into evidence as the
10 next numbered Government exhibit, being 10A; and its transcript
11 marked for identification as 10B.

12 THE COURT: Very well, 10A is admitted into evidence;
13 10B, the transcript's marked for identification. The
14 continuing objection of Defendant Owens is noted for the record
15 and is overruled.

16 (EXHIBIT NO. G-10A WAS RECEIVED INTO EVIDENCE)

17 (EXHIBIT NO. G-10B WAS MARKED FOR IDENTIFICATION)

18 BY MR. LEARY:

19 Q. Mr. Smith, would you please identify the disk that I just
20 handed you?

21 A. A disk containing Call No. 1070 in its redacted form,
22 recorded on October 22nd, 2013, between Perry Mask, Frankie
23 Owens, and William Carroll.

24 Q. Have you listened to that recording?

25 A. Yes, sir, I have.

1 Q. Does the recording on that disk -- is it identical to the
2 original all-calls recording?

3 A. Yes, sir, it is.

4 Q. Thank you.

5 MR. LEARY: Your Honor, at this time, the Government
6 would move to have Call No. 1070 entered into evidence as the
7 next numbered Government exhibit, that being 11A; and its
8 transcript marked for identification as 11B.

9 THE COURT: Okay. The same rulings, the disk is
10 admitted as Exhibit 11A, the transcript marked as 11B,
11 continuing objection noted.

12 (EXHIBIT NO. G-11A WAS RECEIVED INTO EVIDENCE)

13 (EXHIBIT NO. G-11B WAS MARKED FOR IDENTIFICATION)

14 BY MR. LEARY:

15 Q. Mr. Smith, would you please identify the disk that I just
16 handed you?

17 A. A disk containing Call No. 1565 in its redacted form,
18 recorded on October 29th, 2013, between Perry Mask and William
19 Carroll.

20 Q. And what's that call number, again?

21 A. The call number is 1565, 1565.

22 Q. Have you listened to that recording?

23 A. Yes, sir, I have.

24 Q. Have you compared that recording to the original all-calls
25 diskette?

1 A. Yes, sir, I have.

2 Q. Is that recording identical except for the redacted
3 portions?

4 A. That is correct, yes, sir.

5 Q. On all the calls, Mr. Smith, that we are identifying right
6 now, is the transcript attached to them a true and correct
7 record of the words spoken on the tape?

8 A. Yes, sir, it is.

9 Q. Thank you.

10 MR. LEARY: Your Honor, at this time, the Government
11 would move to have Call No. 1565, its disk, entered into
12 evidence as the next numbered Government exhibit. That would
13 be 12A; and its transcript marked for identification purposes
14 only as 12B.

15 THE COURT: Very well. The exhibit is admitted. The
16 transcript's marked for identification. The objection --
17 continuing objection is noted.

18 (EXHIBIT NO. G-12A WAS RECEIVED INTO EVIDENCE)

19 (EXHIBIT NO. G-12B WAS MARKED FOR IDENTIFICATION)

20 BY MR. LEARY:

21 Q. Mr. Smith, would you please identify the diskette that I
22 just handed you?

23 A. It's a disk containing Call No. 1642, 1-6-4-2, in its
24 redacted form, recorded on October 29th, 2013, between Mask,
25 Owens, and Pugh.

1 Q. Now, did you listen to that recording?

2 A. Yes, sir, I did.

3 Q. Did you compare it to the original all-calls disk?

4 A. Yes, sir, I did.

5 Q. Except for the redacted portions, is that recording

6 identical to the original recordings on the all-calls disk?

7 A. Yes, sir, it is.

8 Q. Did you read the transcripts?

9 A. Yes, sir, I did.

10 Q. Is it a true and accurate representation of the words

11 spoken in the redacted text?

12 A. Yes, sir, it is.

13 Q. Thank you.

14 MR. LEARY: At this time, Your Honor, the Government

15 would move to have Call No. 1642 entered into evidence as the

16 next numbered Government's exhibit, being 13A; and its

17 transcript marked for identification purposes as 13B.

18 THE COURT: Very well. The Exhibit 13A is admitted

19 into evidence. The transcript, 13B, is marked for

20 identification. The continuing objection from Mr. Owens is

21 noted.

22 (EXHIBIT NO. G-13A WAS RECEIVED INTO EVIDENCE)

23 (EXHIBIT NO. G-13B WAS MARKED FOR IDENTIFICATION)

24 BY MR. LEARY:

25 Q. Mr. Smith, would you please identify the diskette that I

1 just handed you?

2 A. Certainly. It's a disk containing Call No. 1741, 1-7-4-1,
3 in its redacted form recorded on October 30th, 2013, between
4 Mask, Owens, and Carroll.

5 Q. Now, Mr. Smith, did you listen to that recording?

6 A. Yes, sir, I did.

7 Q. Is it identical to the original recording on the all-calls
8 disk except for the redacted portions?

9 A. That is correct.

10 Q. Does the transcript truly and accurately reflect the words
11 spoken on the redacted tape?

12 A. Yes, sir it does.

13 MR. LEARY: Your Honor, at this time, the Government
14 would move to have Call No. 1741 entered into evidence as the
15 next numbered Government's exhibit, that being 14A; and its
16 transcript marked for identification purposes only as 14B.

17 THE COURT: Government's Exhibit 14A is admitted into
18 evidence. The transcript, 14B, is marked for identification.

19 A continuing objection from Defendant Owens is noted.

20 (EXHIBIT NO. G-14A WAS RECEIVED INTO EVIDENCE)

21 (EXHIBIT NO. G-14B WAS MARKED FOR IDENTIFICATION)

22 BY MR. LEARY:

23 Q. Mr. Smith, would you please identify the disk that I just
24 handed you?

25 A. Yes, sir. It's a disk containing Call No. 2-452, which is

1 from Wiretap No. 2, in its redacted form, recorded on
2 November 13th, 2013, between Mask, Bass, and Deshazier, Tim
3 Deshazier.

4 Q. Have you listened to that recording?

5 A. Yes, sir, I have.

6 Q. Was it intercepted pursuant to court order?

7 A. Yes, sir, it was.

8 Q. Is it true and accurate -- in fact, is it identical to the
9 all-calls recording?

10 A. Yes, sir, it is.

11 Q. Did you read the transcript?

12 A. I certainly did, yes, sir.

13 Q. Does the transcript accurately reflect the words spoken on
14 the redacted call?

15 A. Yes, sir, it does.

16 MR. LEARY: At this time, Your Honor, the Government
17 would move to have Call No. 2-452 entered into evidence as the
18 next numbered Government exhibit, that being 15A; and its
19 transcript marked for identification purposes only as 15B.

20 THE COURT: 15A is admitted into evidence; 15B, the
21 transcript, is marked for identification; a continuing
22 objection from Defendant Owens is noted.

23 (EXHIBIT NO. G-15A WAS RECEIVED INTO EVIDENCE)

24 (EXHIBIT NO. G-15B WAS MARKED FOR IDENTIFICATION)

25 BY MR. LEARY:

1 Q. Mr. Smith, would you please identify the disk that I just
2 handed you?

3 A. Okay. It's a disk containing Call No. 2-596, which is
4 from Wiretap No. 2, recorded on November 13th, of 2013, between
5 Mask, Smith, and Deshazier.

6 Q. Thank you. Have you listened to that call?

7 A. Yes, sir, I have.

8 Q. Did you compare that call to the original all-calls disk?

9 A. Yes, sir, I did.

10 Q. Is it identical except for the redacted portions?

11 A. Yes, sir.

12 Q. Was it intercepted pursuant to court order?

13 A. Yes, sir, it was.

14 Q. Did you read the transcript?

15 A. Yes, sir, I did.

16 Q. Does the transcript accurately reflect the words of the
17 redacted call?

18 A. Yes, sir, it does.

19 MR. LEARY: Your Honor, at this time, the Government
20 would move to have Call No. 2-596 entered into evidence as the
21 next numbered Government exhibit, that being 16A; and its
22 transcript marked for identification purposes only as 16B.

23 THE COURT: Very well. 16A is admitted into
24 evidence; 16B is marked for identification; a continuing
25 objection from Defendant Owens is noted.

1 (EXHIBIT NO. G-16A WAS RECEIVED INTO EVIDENCE)

2 (EXHIBIT NO. G-16B WAS MARKED FOR IDENTIFICATION)

3 MR. LEARY: Your Honor, at this time, the Government
4 would move to have the all-calls disk entered into evidence.
5 The all-calls disk for the Wire Intercept No. One, I believe,
6 was marked for identification purposes as Government's Exhibit
7 No. 3.

8 And the Government would also move to have the all-calls
9 disk for Wire No. 2 entered into evidence. I believe it was
10 marked for identification as Government's Exhibit 4.

11 THE COURT: Same objection, Mr. Sumrall?

12 MR. SUMRALL: Yes, sir.

13 THE COURT: The Government's exhibit, the all-calls
14 disk, two of them, Exhibit No. 4 and Exhibit No. 5, are
15 admitted into evidence. A continuing objection made by
16 Defendant Owens is noted and overruled.

17 THE COURTROOM DEPUTY: Exhibits 3 and 4?

18 THE COURT: Oh, I'm sorry. I said -- it should be
19 Exhibits 3 and 4 of the all-calls.

20 THE COURTROOM DEPUTY: Mr. Leary?

21 THE COURT: Let's check our numbers. Is it 3 and 4?

22 MR. LEARY: Yes, Your Honor.

23 THE COURT: Okay. Three and four are admitted into
24 evidence.

25 (EXHIBIT NOS. 3 AND 4 WERE RECEIVED INTO EVIDENCE)

1 BY MR. LEARY:

2 Q. Now, Mr. Smith, did you listen to these calls and read the
3 transcripts via the Sanctions program?

4 A. Yes, sir, I did.

5 Q. Tell the ladies and gentlemen of the jury what the
6 Sanctions program is briefly.

7 A. Okay. Basically, at some point at trial, you're going to
8 be able to hear the recorded calls. And there's a program
9 called Sanctions that will allow you, as a juror, to read the
10 transcript on a screen as the call is being played.

11 Q. Did you listen to the calls while reading the transcript
12 on Sanctions?

13 A. Yes, sir, I did.

14 Q. Did the transcript reflect, on Sanctions -- true and
15 accurately reflect the words spoken on the recorded calls?

16 A. Yes, sir, it did.

17 MR. LEARY: Your Honor, may I approach co-counsel?

18 THE COURT: Yes, sir.

19 MR. LEARY: Your Honor, no further questions of
20 Mr. Smith.

21 THE WITNESS: Thank you.

22 THE COURT: Okay. Defendant Owens, Mr. Sumrall, may
23 cross-examine this witness.

24 CROSS-EXAMINATION

25 BY MR. SUMRALL:

1 Q. Good morning, Mr. Smith.

2 A. Good morning, sir.

3 Q. These court orders that were entered into evidence that
4 you obtained, they were for the phone calls from Perry Wayne
5 Mask; is that correct?

6 A. From Perry Mask, yes, sir.

7 Q. Okay. Both of them were directed at Perry Wayne Mask; is
8 that correct?

9 A. He was the target of the wire intercept.

10 Q. Okay. And he was the target of the investigation; was he
11 not?

12 A. He and others, yes, sir.

13 MR. SUMRALL: No further questions.

14 THE COURT: Mr. Turner on behalf of Defendant Parker.

15 CROSS-EXAMINATION

16 BY MR. TURNER:

17 Q. Agent Smith, you've been -- given a phenomenal amount of
18 information in questioning. Does any of that information
19 pertain to Eric Parker?

20 A. Any of the information?

21 Q. That has just been admitted into evidence.

22 A. Yeah. I recall an intercepted telephone call where your
23 client, Mr. Parker, was mentioned.

24 Q. Okay. Could you be confused, and it possibly be Thomas
25 Parker down in the Southern District of Mississippi?

1 A. I mean, I'd have to rely on my agents to verify that. But
2 I remember Mr. Parker's name being mentioned in a recorded
3 call.

4 Q. Okay. Do you recall which Mr. Parker at this time?

5 A. No, sir, I don't.

6 Q. Okay.

7 A. I just know it was a Parker.

8 Q. Are you aware that there is a Thomas Parker that was under
9 investigation also?

10 A. No, sir, I don't.

11 Q. Okay. Would you agree with me that none of the recordings
12 that you listened to contained the voice of Eric Parker?

13 A. That is correct, yes, sir.

14 Q. Thank you.

15 MR. TURNER: That's all I have, Your Honor.

16 THE COURT: Okay. Any redirect, Mr. Leary?

17 MR. LEARY: No, Your Honor.

18 THE COURT: Okay. Are you finished with this
19 witness?

20 MR. LEARY: Yes, Your Honor.

21 THE COURT: Okay, Agent, you are fully and finally
22 discharged; you may go.

23 THE WITNESS: Yes, Your Honor. Thank you.

24 THE COURT: The Government may call your next
25 witness.

1 MR. LEARY: Your Honor, the Government would call
2 Stephen Hubanks to the stand.

3 THE COURT: Very well.

4 What -- Mr. Leary, what's the problem?

5 MR. LEARY: Oh, I believe he's incarcerated; and
6 they're bringing him down right now.

7 THE COURT: Very well.

8 (OATH ADMINISTERED BY THE COURTROOM DEPUTY)

9 THE COURTROOM DEPUTY: Please state your name for the
10 record.

11 THE WITNESS: Stephen Hubanks.

12 THE COURTROOM DEPUTY: Have a seat in the witness
13 stand.

14 STEPHEN HUBANKS, GOVERNMENT'S WITNESS, SWORN

15 DIRECT EXAMINATION

16 BY MR. LEARY:

17 Q. Good morning.

18 A. Good morning.

19 Q. State your name for the ladies and gentlemen of the jury.

20 A. Stephen Hubanks.

21 Q. Mr. Hubanks, what do people call you? Do you have a
22 street name at all?

23 A. "Booger."

24 Q. Are nicknames common in the Aryan Brotherhood?

25 A. Yes, sir.

1 Q. How old are you?

2 A. I'm 46.

3 Q. Where were you born, Mr. Hubanks?

4 A. McNairy County, Tennessee.

5 Q. And is that Selmer County?

6 A. Selmer, Tennessee.

7 Q. Selmer, Tennessee? And you were raised where,

8 Mr. Hubanks?

9 A. In Selmer, Tennessee.

10 Q. Did you have any siblings when you were growing up?

11 A. Yes.

12 Q. Who was that?

13 A. I have a half brother and a half sister -- well, an
14 adopted sister.

15 Q. Who raised you, Mr. Hubanks?

16 A. My mother.

17 Q. Did you have much of a father figure in your life?

18 A. No, sir.

19 Q. Did you graduate from high school?

20 A. No, sir. I have a GED.

21 Q. Have you been convicted of crimes before?

22 A. Yes, sir.

23 Q. How did you get involved in crime, Mr. Hubanks?

24 A. Started out at a young age, drug use, just running with
25 the wrong crowd.

1 Q. Went on from there?

2 A. Yes, sir.

3 Q. Now, you were first convicted in 1988; is that correct?

4 A. Yes, sir.

5 Q. Is that a burglary charge?

6 A. Yes, sir.

7 Q. About how old were you then?

8 A. Eighteen.

9 Q. And, therefore, in '89, you were convicted in Tennessee of
10 what?

11 A. Burglary.

12 Q. And then you were convicted again in Mississippi in 2002;
13 is that correct?

14 A. Yes, sir.

15 Q. What were you convicted of?

16 A. Armed robbery, burglary.

17 Q. And how many years were you sentenced?

18 A. Eighteen.

19 Q. And, so, when's your release date, approximately?

20 A. January the 6th, 2020.

21 Q. Okay. So, during the course of the events in this
22 particular case, you were incarcerated; is that correct?

23 A. Yes, sir.

24 Q. And you're looking at a possible release date from state
25 charges in 2020?

1 A. Yes, sir.

2 Q. Have you cooperated with the Government in this case,

3 Mr. Hubanks?

4 A. Yes, I have.

5 Q. What did the Government say about responding truthfully

6 and completely?

7 A. That I must respond truthfully and completely.

8 Q. What happens if you lie?

9 A. It's a breach of my contract and my plea agreement.

10 Q. Have investigators talked to you in this case?

11 A. Yes, sir.

12 Q. Have I talked to you in this case?

13 A. Yes, sir.

14 Q. We talked about this case?

15 A. Yes, sir.

16 Q. Who sentences you in this case, Mr. Hubanks?

17 A. Judge Davidson.

18 Q. Do I sentence you?

19 A. No, sir.

20 Q. Now, was there a recommended sentence for you in this

21 case?

22 A. Yes, sir. A 20-year cap.

23 Q. A 20-year cap. So, if you were capped out in this case

24 and it was run consecutive to your state charges, you'd be

25 looking at getting out about 2040?

1 A. Something like that.

2 Q. Sound correct? You signed up for witness protection?

3 A. Yes, sir.

4 Q. Did you sign a plea agreement with the Government,

5 Mr. Hubanks?

6 A. Yes, sir, I did.

7 Q. Please identify what I just handed you.

8 A. It's a plea agreement between me and the Government.

9 Q. Look on the last page, Mr. Hubanks. You see your
10 signature?

11 A. Yes, sir.

12 Q. Is that a true and correct copy of your plea agreement
13 with the Government?

14 A. Yes, sir.

15 Q. Thank you.

16 MR. LEARY: Your Honor, at this time, the Government
17 would move to have the plea agreement with Mr. Hubanks entered
18 into evidence as the next numbered Government exhibit. I
19 believe it's No. 17.

20 THE COURTROOM DEPUTY: Yes.

21 THE COURT: Okay. Any objection?

22 MR. SUMRALL: No objection, Your Honor.

23 MR. TURNER: No, Your Honor.

24 THE COURT: Okay. It's admitted into evidence.

25 What's the number, 17?

1 MR. LEARY: Seventeen, Your Honor.

2 (EXHIBIT NO. G-17 WAS RECEIVED INTO EVIDENCE)

3 BY MR. LEARY:

4 Q. Now, did you enter into a plea supplement with the
5 Government as well?

6 A. Yes, sir, I did.

7 Q. Would you please identify the document that I just handed
8 to you?

9 A. It's a copy of the plea supplement between me and the
10 Government.

11 Q. Is that a true and correct copy of the plea agreement
12 between you and the Government?

13 A. Yes.

14 MR. LEARY: Your Honor, at this time, the Government
15 would move to have the plea supplement entered into evidence as
16 the next numbered Government's exhibit, that being 18.

17 THE COURT: Very well. It's admitted without
18 objection.

19 MR. SUMRALL: No objection, Your Honor.

20 (EXHIBIT NO. G-18 WAS RECEIVED INTO EVIDENCE)

21 BY MR. LEARY:

22 Q. Did you enter into a proffer agreement with the
23 Government, Mr. Hubanks?

24 A. Yes, sir.

25 Q. Would you please identify what I just handed you,

1 Mr. Hubanks?

2 A. This is a letter of proffer between me and the Government.

3 Q. Is that a true and correct copy of that proffer agreement?

4 A. Yes.

5 Q. Okay. Thank you.

6 MR. LEARY: The Government would move to have the
7 proffer agreement entered into evidence as the next numbered
8 government exhibit.

9 MR. SUMRALL: No objection.

10 MR. TURNER: No objection.

11 THE COURT: With no objection, it's admitted into
12 evidence.

13 (EXHIBIT NO. G-19 WAS RECEIVED INTO EVIDENCE)

14 BY MR. LEARY:

15 Q. When were you arrested in this case, Mr. Hubanks?

16 A. I was indicted and served the indictment November the 20th
17 of 2014.

18 Q. Do you recall when you were first arrested, approached by
19 law enforcement?

20 A. May the 6th of 2014 at Greene County, and then I was
21 brought here to Oxford the next day on May the 7th.

22 Q. Okay. So you were housed where when you were first
23 approached by law enforcement?

24 A. Greene County Correctional Facility, South Mississippi
25 Correctional Facility.

1 Q. Okay. So that's in south Mississippi.

2 A. Yes.

3 Q. Now, prior to your arrest, what was your rank in the Aryan
4 Brotherhood?

5 A. I was a "wheel" member.

6 Q. Okay. A "wheel" member or a "spoke"? Is that fair?

7 A. Yes, sir.

8 Q. Could another analogous term be "general"?

9 A. Yes, sir.

10 Q. Now, as far as the Aryan Brotherhood goes, what part of
11 Mississippi did it have jurisdiction over?

12 A. All Mississippi.

13 Q. Top to bottom?

14 A. Yes, sir.

15 Q. North to south?

16 A. Yes, sir.

17 Q. If you entered an order as a wheel member in north
18 Mississippi to someone in south Mississippi, explain whether or
19 not it would have to be carried out.

20 A. Yes, sir, it'd have to be carried out.

21 Q. When law enforcement officers first came to talk to you in
22 Greene County, did you have a lawyer?

23 A. No, sir.

24 Q. Did you agree to talk to law enforcement officers?

25 A. Yes, sir.

1 Q. Did you waive your rights?

2 A. Yes, sir.

3 Q. Why did you agree to talk to law enforcement without even
4 having a lawyer?

5 A. Because I wanted to come forward and do what I could do to
6 try to help myself to get away from the brotherhood and to
7 distance myself.

8 Q. You decided to distance yourself from the brotherhood?

9 A. Yes, sir.

10 Q. Why is that?

11 A. Well, I just -- things that went on, I didn't know about
12 at the time; and things was going on that I didn't agree with,
13 and I didn't want to be a part of.

14 Q. When did you first become involved in the Aryan
15 Brotherhood, Mr. Hubanks?

16 A. 2005.

17 Q. Why did you join the Aryan Brotherhood?

18 A. I guess a number of different reasons. I was fresh in on
19 an 18-year-mandatory sentence, and all my appeals had just been
20 denied; and I felt like I didn't have nothing to lose by
21 becoming a part of it.

22 And it was a way of being a part of something in prison.
23 80 percent of the prison population is affiliated in some way
24 or another, and I chose to become a part of the Aryan
25 Brotherhood.

1 Q. When you say 80 percent of the prison population's
2 affiliated one way or another, what do you mean by that?

3 A. In one form of gang or another.

4 Q. The gangs -- I mean, the prisons in Mississippi, are they
5 strongly influenced by gangs?

6 A. Yes, sir.

7 Q. Now, if you are a Hispanic person, what type gang would
8 you join if you were in prison?

9 A. Latin Kings.

10 Q. Okay. If you were a Hispanic person, could you join a
11 gang, generally, outside your race?

12 A. No. Pretty much, no.

13 Q. Okay. If you were an African-American and you were
14 incarcerated, what gang would you join?

15 A. Gangsters or Vice Lords, Bloods, Crips.

16 Q. And, if you were white and you were incarcerated in
17 Mississippi, and you were going to join a gang, what gang would
18 you join?

19 A. The Aryan Brotherhood or Simon City Royals.

20 Q. What's the highest rank you obtained in the Aryan
21 Brotherhood?

22 A. A wheel member.

23 Q. When did you become a spoke?

24 A. September 23rd, 2013.

25 Q. Now, how many spokes were there in Mississippi?

1 A. Three.

2 Q. Okay. Were they all incarcerated?

3 A. Yes, sir.

4 Q. Prior to the time that you became a spoke, was there ever
5 a time when there was a free world spoke?

6 A. Yes, sir.

7 Q. Okay. So, during that time frame, it would have increased
8 the number of spokes to what?

9 A. Four.

10 Q. But, while you were a spoke, there were only how many?

11 A. Three.

12 Q. Now, tell the ladies and gentlemen of the jury when did
13 you become a spoke?

14 A. September the 23rd, 2013.

15 Q. Okay. Prior to September 23rd, 2013, what was your rank?

16 A. I was a state captain.

17 Q. Okay. When did you become a captain, Mr. Owens --

18 Mr. Hubanks; I'm sorry.

19 A. January the 23rd of 2013.

20 Q. Where were you incarcerated when you became a captain?

21 A. Walnut Grove Correctional Facility.

22 Q. Now, in the prisons in Mississippi, based on your
23 experience as a state captain and a spoke, explain whether or
24 not there's Aryan Brotherhood presence in most of those
25 facilities?

1 A. Yes. I don't really know exactly what you're wanting, as
2 far as the presence. When I become state captain, it was my
3 job to establish communication and a roster throughout the
4 state for different facilities and to keep up with who was
5 where and when one moved from one place to another. So --

6 Q. Was the Aryan Brotherhood keeping track of its members
7 throughout the prison system, or at least attempting to?

8 A. Yes, sir, I was.

9 Q. And who would you report back to with that information?

10 A. The wheel.

11 Q. And when you say "wheel," you're speaking of how many
12 people?

13 A. Three wheel members.

14 Q. And one of your duties as captain was to produce that
15 roster that you just explained?

16 A. Yes, sir.

17 Q. What were your other duties?

18 A. I was to -- all -- all facilities had captains or OICs,
19 and they were to report to me weekly and give me a weekly
20 report on what was going on in their area and -- as far as any
21 violations, any concerns or problems with other gangs, any dues
22 owed; any business pertaining to what went on at their facility
23 would be reported to me. And then I would, in return, report
24 to the wheel.

25 Q. Okay. Now, while you were a spoke, beginning in September

1 of 2013, who were the other spokes with you?

2 A. Perry Mask and Frank Owens.

3 Q. You see Frankie Owens in this courtroom?

4 A. Yes, sir.

5 Q. Would you identify what color shirt he's wearing?

6 A. Turquoise.

7 Q. Okay.

8 MR. LEARY: Your Honor, we'd like the record to

9 reflect that Mr. Hubanks has identified Frankie Owens.

10 THE COURT: It'll so reflect.

11 BY MR. LEARY:

12 Q. Explain to the ladies and gentlemen of the jury,

13 Mr. Hubanks, whether or not the spokes had specific roles to
14 play within the organization.

15 A. As a whole, the wheel had -- all of us had the same
16 authority as far as the rank structure goes. But we -- it
17 wasn't a, per se, rule; we just had an area that each one of us
18 dealt with pretty much specifically.

19 Q. Okay. What did Perry Mask -- what area did he deal with
20 mostly?

21 A. Free world and his business were the drugs.

22 Q. Free world and drugs? And Frankie Owens, what was his
23 role?

24 A. Frankie pretty much communicated with south Mississippi
25 pretty much.

1 Q. Did he communicate with south Mississippi while he was
2 located where?

3 A. At which point?

4 Q. When you were a spoke.

5 A. When we were a spoke, he was at Marshall County and then
6 Greene County.

7 Q. Okay. Was he communicating with south Mississippi while
8 he was a spoke?

9 A. Yes, sir.

10 Q. What was your role?

11 A. I pretty much communicated with the north part of the
12 state and the prison system.

13 Q. Now, what was Perry Mask's affiliation?

14 A. Sir?

15 Q. Perry Mask, he was a member of what gang?

16 A. Aryan Brotherhood.

17 Q. And, while you were a spoke, was he one also?

18 A. Yes, sir.

19 Q. Was he a spoke before you?

20 A. Yes, sir.

21 Q. Whose place did you take on the wheel? Do you remember?

22 A. Yes, sir.

23 Q. Who was that?

24 A. Barron Goff.

25 Q. Barron Goff. Do you know the names of prior wheel

- 1 members?
- 2 A. Some of them.
- 3 Q. Do you know who Larry Sneed was?
- 4 A. Yes, sir.
- 5 Q. And what was his rank?
- 6 A. He was a wheel member.
- 7 Q. What about Chris May?
- 8 A. Yes, sir. Mackie May.
- 9 Q. Okay. Was he a prior wheel member?
- 10 A. Yes, sir.
- 11 Q. Now, while you were a wheel member, where were you
- 12 located, Mr. Hubanks?
- 13 A. I was at Alcorn County Regional Correctional Facility.
- 14 Q. All right. Is that in, obviously, what county?
- 15 A. Alcorn, Corinth.
- 16 Q. And where was Frankie Owens located while you were a
- 17 wheel?
- 18 A. Marshall County.
- 19 Q. And that's located in?
- 20 A. Holly Springs.
- 21 Q. Now, if you were located in Alcorn County and Frankie
- 22 Owens was located in Marshall County, how would you
- 23 communicate?
- 24 A. By cell phone.
- 25 Q. Were cell phones legal within the prison?

- 1 A. No, sir.
- 2 Q. They were contraband?
- 3 A. Yes, sir.
- 4 Q. How would you get the cell phones into prison?
- 5 A. Different ways. Buy them. Some was throwed (sic) over
- 6 the fence; some was brought in by officers. Some were brought
- 7 through visitation.
- 8 Q. While you were a wheel, where was Perry Mask located?
- 9 A. He was at Parchman.
- 10 Q. Okay. And when was he moved to Parchman?
- 11 A. Around August of 2013.
- 12 Q. Prior to being moved to Parchman, where was Perry Mask
- 13 located?
- 14 A. Marshall County.
- 15 Q. After Perry Mask was moved to Parchman, the three wheels
- 16 were located in what three prisons?
- 17 A. Parchman, Marshall County, and Alcorn.
- 18 Q. And how often did the spokes communicate with each other?
- 19 A. We tried to twice a week. We tried to at least twice a
- 20 week, sometimes daily.
- 21 Q. Now, Frank Owens' rank while you were a spoke was what?
- 22 A. He was a wheel member.
- 23 Q. With you?
- 24 A. Yes.
- 25 Q. Mr. Hubanks, the Aryan Brotherhood of Mississippi is a

1 race-based organization. Are you a racist?

2 A. No, sir.

3 Q. Okay. Let's explain that. If you're a member of the
4 Aryan Brotherhood, how can you not be a racist?

5 A. You got some that's racist, and some who's not. Some are
6 separatists, and some are racists.

7 Q. Okay. Explain the difference, as you see it.

8 A. A separatist would be someone who believes that the races
9 should be kept separate, that they shouldn't be interracial
10 relationships. A racist would be someone who hates a black
11 person or any person of color because of the color of their
12 skin.

13 Q. Okay. Now, how would you consider yourself?

14 A. I consider myself a separatist.

15 Q. But not a racist?

16 A. Right.

17 Q. You understand that some people would just view that whole
18 thing as just racist?

19 A. Yes, sir.

20 Q. You draw a distinction there?

21 A. Yes, sir.

22 Q. What crimes were the Aryan Brotherhood of Mississippi
23 involved in?

24 MR. SUMRALL: Your Honor, I'm going to object to this
25 until he's got actual knowledge of the crime and them

1 happening.

2 THE COURT: If he knows of his personal knowledge,
3 he'll be permitted to answer.

4 BY MR. LEARY:

5 Q. Do you have personal knowledge of the crimes that the
6 Aryan Brotherhood was involved in?

7 A. Yes, sir. As far as some drugs, conspiracies as far as
8 assaults.

9 Q. As a wheel member, did you participate in criminal
10 conspiracies?

11 A. Yes, sir.

12 Q. Now, explain to the ladies and gentlemen of the jury what
13 a direct order is.

14 A. Well, a direct order is given to someone -- say I wanted
15 someone to do something, and I give them a direct order as a
16 wheel member to do whatever the order was; and they had to do
17 it.

18 Q. Okay. Did a subordinate have the authority to tell you,
19 no, I'm not doing that?

20 A. No, sir.

21 Q. Now, if a decision was made to stab somebody, would that
22 decision have to come from the wheel; or should that decision
23 come from a lower-ranking member?

24 A. No. It would come from the wheel.

25 Q. Okay. Do all three wheels have to agree on it, or can one

1 wheel issue the order?

2 A. It's supposed to be a unanimous vote.

3 Q. From the three wheel members?

4 A. Yes, sir.

5 Q. Does that mean two out of three?

6 A. Yes, sir.

7 Q. What type drugs do the Aryan Brotherhood deal in most?

8 A. Methamphetamine.

9 Q. Now, explain whether or not methamphetamine was trafficked
10 inside the prison facilities?

11 A. Yes, sir.

12 Q. Could money be made from transacting drugs inside prison
13 facilities?

14 A. Yes, sir.

15 Q. Explain to the ladies and gentlemen of the jury how drug
16 proceeds were transferred within the prison system.

17 A. Well, you could use by -- transfer of money by Western
18 Union, MoneyGram, or by Green Dot MoneyPaks, which you could
19 buy at Walgreens, Rite Aid, Wal-Mart; just about anywhere we
20 could buy a Green Dot MoneyPak for a prepaid debit card.

21 Q. Okay. So did you ever buy drugs yourself?

22 A. Yes, sir.

23 Q. Okay. How did you -- we'll use this as a specific
24 example. Who did you buy drugs from?

25 A. Perry.

1 Q. Now, when you paid for the drugs, how did you pay for
2 them?

3 A. In Green Dots.

4 Q. Okay. Explain to the ladies and gentlemen of the jury how
5 the prepaid Green Dot cards were used.

6 A. You have a card like -- you could use a Wal-Mart MoneyCard
7 at the time, just to give you an example, which was a Visa
8 card. Then you could buy any kind of Green Dot MoneyPak
9 anywhere for it. And scratch off the back of the Green Dot
10 MoneyPak; there's a 14-digit number on there.

11 You can call 1-800-Green-Dot; and then it'll ask for your
12 account number. You dial in the 16-digit account number off of
13 your actual debit card, and then put in the 14-digit number off
14 of the MoneyPak; and the money will go straight on your card.

15 Q. Okay. Explain to the ladies and gentlemen of the jury
16 whether or not this was a common practice by members of the
17 Aryan Brotherhood?

18 A. Yes, sir.

19 Q. And explain to the ladies and gentlemen of the jury
20 whether or not drug proceeds were distributed by members of the
21 Aryan Brotherhood using the Green Dot card methodism that
22 you've just described?

23 A. Yes, sir.

24 Q. Where did the Aryan Brotherhood originate?

25 A. California.

- 1 Q. About what year, Mr. Hubanks?
- 2 A. 1967.
- 3 Q. Where does the AB operate today?
- 4 A. Throughout the United States.
- 5 Q. And where are the primary recruiting locations for the
- 6 Aryan Brotherhood?
- 7 A. In prison.
- 8 Q. Does the Aryan Brotherhood exist in the free world?
- 9 A. Yes, sir.
- 10 Q. Describe what you mean by "free world" to the ladies and
- 11 gentlemen of the jury.
- 12 A. The outside world, outside of prison.
- 13 Q. Now, the Aryan Brotherhood in Mississippi was established
- 14 approximately when?
- 15 A. 1984.
- 16 Q. Okay. And it was modeled after what states, if you know?
- 17 A. California and Texas.
- 18 Q. Now, when you were identifying individuals who were spokes
- 19 before you -- let me see. Who was it, Larry Sneed?
- 20 A. Yes, sir.
- 21 Q. Chris May?
- 22 A. Mackie May.
- 23 Q. Mackie May? What about Chris Craft?
- 24 A. Yes.
- 25 Q. Barron Goff?

1 A. Yes.

2 Q. Are you familiar with the governing documents of the Aryan
3 Brotherhood?

4 A. Yes, sir.

5 Q. And those governing documents are contained within what,
6 Mr. Hubanks?

7 A. The constitution.

8 Q. Have you read the constitution?

9 A. Yes, sir.

10 Q. Well, I'm just going to ask you, briefly tell the ladies
11 and gentlemen of the jury what the constitution contains in it.

12 A. It's -- it's two articles. It's like a set of bylaws.
13 It's got, more or less, the rules that -- the code of honor,
14 the code of ethics, the chain of command, the creed, the patch,
15 the meaning, the colors, dues, meetings.

16 Q. Is it an extensive document?

17 A. It's just a -- it's a bylaw of what the rules and
18 regulations are of the organization.

19 Q. Are members of the Aryan Brotherhood required to follow
20 the constitution?

21 A. Yes, sir.

22 Q. What if they refuse to follow the constitution after they
23 become members?

24 A. They're in violation.

25 Q. Okay. Now, let me go through some terms here. When you

1 say "violation," what do you mean?

2 A. They're in violation if they violate the rules of the
3 constitution. They're in violation, meaning they could --
4 they're in violation. It can be dealt with, and there's three
5 different options. There's a minor violation, serious
6 violation, and major violations.

7 Q. Okay. A minor violation can include what?

8 A. Anything -- I mean, as far as punishment for the
9 violation?

10 Q. Yeah. Could there be a fine?

11 A. Yeah. Fine, writing paperwork.

12 Q. A serious violation included what type punishment?

13 A. It could be the same thing; or it could be a physical
14 violation involved, which means going minutes with a brother,
15 licks to the chest, or fine and, you know, 2 or 3 different
16 combinations of things.

17 Q. Tell the ladies and gentlemen of the jury what "going
18 minutes with a brother" means.

19 A. Having to fight. You're ordered to go 2 minutes with two
20 brothers for a violation, and you have to fight two brothers
21 for two minutes.

22 Q. Okay. So two for two would refer to fighting two brothers
23 for two minutes?

24 A. Yeah.

25 Q. Now, if you're ordered minutes with a brother, what

1 happens if you refuse to follow that order?

2 A. You'll be smashed out.

3 Q. Okay. Now, I'm going to ask you to explain to the ladies
4 and gentlemen of the jury what being smashed out is.

5 A. It means you're going to be physically assaulted and no
6 longer a member of the brotherhood, and your patch will be
7 covered or removed.

8 Q. Now, how do they take -- or explain the methods by which a
9 patch is covered or removed.

10 A. It'd either be tattooed over or physically removed.

11 Q. Okay. If you're going to physically remove a tattoo from
12 somebody, what does that entail?

13 A. It could be burnt off, cut off, whatever it took to get
14 the brand off.

15 Q. And that's what a smash is?

16 A. Yes, sir.

17 Q. What does SOS mean?

18 A. Smash on sight.

19 Q. So does an SOS refer to what you just talked about? Are
20 you familiar with smashes ever being ordered within the Aryan
21 Brotherhood?

22 A. Yes, sir.

23 Q. Now, what's a KOS?

24 A. Kill on sight.

25 Q. And is that what it sounds like it is?

1 A. Yes.

2 Q. That being, if an AB has a serious violation and a
3 kill-on-sight order is issued, what does that mean?

4 A. That means he's to be terminated.

5 Q. Now, concerning the ABM hierarchy, ABM members refer to
6 each other as what?

7 A. Brothers.

8 Q. Brothers? Is it a family type -- or at least trying to be
9 a family-type organization from that standpoint?

10 A. Yes.

11 Q. It's directed by a three member what?

12 A. Wheel.

13 Q. Now, under the wheel, what's the -- I want you just to
14 sort of explain the hierarchy down below the wheel.

15 A. All right. You have a wheel member -- three wheel
16 members. Then you have two state captains. One is the inside
17 state captain; one is the outside state captain. Then you'll
18 have, like -- in the free world, you'll have a northern
19 captain, a central captain, and a southern captain.

20 And then, if there's enough brothers in those areas and
21 they need somebody under them, then they can be a lieutenant
22 under the captain of each area, a sergeant of arms. In the
23 prison system, it's basically the same way at every facility;
24 you either have a captain or an OIC; they call officer in
25 charge. And you can have a lieutenant, sergeant of arms as

1 well under them.

2 Q. Now, the state of Mississippi, you said, was divided into
3 three regions. Tell the ladies and gentlemen of the jury what
4 those three regions are.

5 A. North, central, and southern.

6 Q. Each region had a captain?

7 A. Yes, sir.

8 Q. What's a treasurer?

9 A. It's someone who takes care of the books, the money.

10 Q. Okay. And the dues and the money come from where?

11 A. From the brothers.

12 Q. Okay. What are AB associates?

13 A. That could be anybody associated, friends, girlfriends,
14 wives, anybody who's a friend or associate.

15 Q. What's a featherwood?

16 A. That's -- she's considered a sister by brothers.

17 Q. Now, how does one join the Aryan Brotherhood if someone
18 desires to do so?

19 A. Well, first, have to approach someone and express a desire
20 to join. Then, if there's a recruiter around that they can --
21 has to be a recruiter. Then they can get with a recruiter, and
22 they have to fill out a prospect compact and questionnaire.

23 Q. Explain what a prospect compact and questionnaire is.

24 A. It's a questionnaire. It's a group of questions you have
25 to answer, and then it's a prospect compact that they have to

1 fill out signing a code of silence.

2 Q. Okay. Explain what the code of silence is.

3 A. It's saying that anything that they read or see in the
4 paperwork -- that they agree not to ever disclose it to anyone,
5 whether they're a gang membership or not.

6 Q. Okay. If you violate that code of secrecy, what are you
7 subject to?

8 A. KOS.

9 Q. Well, let me ask you this. You're up here testifying in
10 this court today. What are you subject to?

11 A. I already have a KOS on me.

12 Q. If you were put back in general population, what would
13 happen to you?

14 A. There'd be an attempt on my life.

15 Q. What's a direct order?

16 A. It's a -- an order that's given for another subordinate
17 member to do something.

18 Q. And a direct order could be a violation or what else?

19 A. SOS, KOS, anything.

20 Q. What are "church" meetings?

21 A. It's a meeting where they get together to discuss any
22 business and to pay dues.

23 Q. Now, the church meetings, do they occur in the free world
24 or in prison?

25 A. Both.

1 Q. About how often do free world church meetings occur?

2 A. They're supposed to be once a month; but, you know,
3 whether they happen that often or not, I don't know.

4 Q. How often do church meetings occur in prison?

5 A. They happen like they're supposed to, once a month at
6 least, sometimes weekly on the yards, just depending on where
7 you were at.

8 Q. Based on your experience, were church meetings followed,
9 the scheduled followed within the prison system?

10 A. Yes.

11 Q. What type AB matters were discussed during church
12 meetings?

13 A. Whatever's going on.

14 Q. Were violations ever conducted during church meetings?

15 A. They have been, yes.

16 Q. Explain the importance of the Aryan Brotherhood patch.

17 A. The importance of it?

18 Q. Yeah. What I mean by that is, will any old tattoo do?

19 A. No. It has to be -- it's a certain tattoo that has to be
20 put on. If you're a fully-made member, you have to put -- you
21 have to put the tattoo on your body.

22 Q. Okay. And is that a requirement?

23 A. Yes, sir.

24 Q. If you say "I don't want the AB brand," is that going to
25 work?

- 1 A. No.
- 2 Q. Now, are all the AB brands supposed to be the same?
- 3 A. Yes, sir.
- 4 Q. Is that for the state of Mississippi?
- 5 A. Yes, sir.
- 6 Q. Now, explain the significance, for instance of the number
- 7 13 on the AB tattoo.
- 8 A. It stands for the 13th letter of the alphabet, which is an
- 9 M for Mississippi.
- 10 Q. What's the significance of the Nazi symbol, the swastika?
- 11 A. What's the purpose of it?
- 12 Q. Is there a purpose for it?
- 13 A. It's like the -- yeah. It's -- it represents, like, the
- 14 circle of life.
- 15 Q. What's the significance of the SS bolts?
- 16 A. On the patch itself?
- 17 Q. Yeah.
- 18 A. It stands for white power.
- 19 Q. Now, let me ask you about these SS bolts. Did they have
- 20 significance other than what's on the patch?
- 21 A. Yes.
- 22 Q. Okay. Explain the significance of the SS bolts other than
- 23 what's on the tattoo.
- 24 A. They stand for thunder warrior status.
- 25 Q. Is the thunder warrior status -- is that a rank within the

1 Aryan Brotherhood?

2 A. Yes.

3 Q. Can non-Aryan Brotherhood members get a thunder warrior
4 status?

5 A. No, sir.

6 Q. Only Aryan Brotherhood members can be thunder warriors?

7 A. Only ones who have earned thunder warrior can wear bolts.

8 Q. Okay. Only people who have earned thunder warrior status
9 can wear the bolts?

10 A. Every brother can't wear bolts.

11 Q. Okay. So, if you're not a thunder warrior, can you put
12 the bolts on?

13 A. No, sir.

14 Q. Where are the bolts usually located?

15 A. On the neck.

16 Q. All right. What do you have to do to be a thunder
17 warrior?

18 A. You have to either commit at least three confirmed
19 missions or either one act of extreme violence.

20 Q. All right. Is Frankie Owens a thunder warrior?

21 A. Yes, sir.

22 THE COURT: I tell you, Mr. Leary, we're past
23 mid-morning.

24 MR. LEARY: Okay.

25 THE COURT: I don't know if this would be an

1 appropriate time to take a recess; but I think we need to take
2 a recess. Ladies and gentlemen of the jury, we'll be in recess
3 until -- let's recess until eleven o'clock.

4 Your rest rooms are in the jury room. Your water fountain
5 and so forth. Remember, do not discuss the case among
6 yourselves; do not permit anyone to discuss it with you. The
7 jury's in recess until eleven o'clock.

8 (JURY OUT AT 10:36 a.m.)

9 THE COURT: Okay. Everyone else is in recess until
10 eleven o'clock. We'll reconvene at eleven.

11 (Recess at 10:37 a.m. until 11:00 a.m.)

12 (JURY IN AT 11:03 a.m.)

13 (CALL TO ORDER OF THE COURT)

14 THE COURT: The Government may continue with your
15 examination of this witness.

16 MR. LEARY: Thank you, Your Honor.

17 BY MR. LEARY:

18 Q. Now, Mr. Hubanks, you said you joined the Aryan

19 Brotherhood in what year?

20 A. Started prospecting in 2005. Became a member in 2006.

21 Q. When did you attain your first rank?

22 A. 2013.

23 Q. Okay. While you were a member, was the -- you joined in
24 2005/2006 -- was the Aryan Brotherhood in operation during that
25 time frame?

1 A. Yes, sir.

2 Q. Throughout the state of Mississippi?

3 A. Yes, sir.

4 Q. What happens if a non-Aryan Brotherhood member puts on the
5 brand?

6 A. He'd be -- it'd be removed.

7 Q. Would that be tolerated?

8 A. No, sir.

9 Q. Can an Aryan Brotherhood member quit the ABM?

10 A. No, sir.

11 Q. What happens if an Aryan Brotherhood member removes his
12 brand without permission?

13 A. He's marked.

14 Q. Okay. That's a term, a "mark." What is a "mark,"

15 Mr. Hubanks?

16 A. It means he's marked for assault or SOS or KOS, whichever
17 one the wheel deems --

18 Q. Decides?

19 A. Yes, sir.

20 Q. Now, a mark is a target?

21 A. Yes, sir.

22 Q. Have you removed your own brand?

23 A. Yes, sir.

24 Q. Did you get permission to do that?

25 A. No, sir.

- 1 Q. Are you a mark?
- 2 A. Yes.
- 3 Q. What's the ABM mailbox?
- 4 A. It's a P.O. box for our communications for facilities
5 where they don't have cell phones or no other way to
6 communicate.
- 7 Q. Does it say Aryan Brotherhood, P.O. Box.
- 8 A. No, sir.
- 9 Q. How is it identified?
- 10 A. It's a name on it. I'm not sure exactly what it is. I
11 can't remember. But it's a P.O. Box. Albert-something. I
12 can't remember the last --
- 13 Q. Albert-something?
- 14 A. Yes.
- 15 Q. Did the A stand for anything, the first letter?
- 16 A. It could be for Aryan.
- 17 Q. Yeah.
- 18 A. I can't remember what the last was.
- 19 Q. That's fine. That's fine. Mr. Hubanks, explain how the
20 Aryan Brotherhood's incarcerated members communicated with
21 those in the free world.
- 22 A. By cell phone or writing.
- 23 Q. Okay. Was it common to use cell phones to do that?
- 24 A. Yes, sir.
- 25 Q. Explain how MoneyCards or Green Dot cards were utilized

1 from the outside world to the incarcerated world.

2 A. As far as them having a card in the free world?

3 Q. Yes.

4 A. Somebody could have a card out on the street, and you
5 didn't -- we didn't have to have the card. You could just have
6 the number off the card. Somebody else could be holding the
7 card.

8 And then, as you took the Green Dot MoneyPak numbers,
9 which is the 14 digits, scratch off on the back of the
10 MoneyPak, you could then transfer it to the Green Dot card.
11 All you'd have to have would be the number off the card. You
12 wouldn't have to have the actual card itself.

13 Q. Were incarcerated Aryan Brotherhood members ever able to
14 transact or transfer proceeds using that mechanism?

15 A. Yes, sir.

16 Q. Were they able to transact or transfer drug proceeds using
17 that mechanism?

18 A. Yes, sir.

19 Q. Does the AB have a special handshake?

20 A. Yes, sir.

21 Q. And what does the phrase "man to man, brother to brother,
22 together in battle for the cause," -- what does that mean?

23 A. That's -- that's part of the greeting and the handshake.

24 Q. Does ABM have colors?

25 A. Yes, sir.

1 Q. And just explain some of the colors to the ladies and
2 gentlemen of the jury.

3 A. Black and gold, blue and red, black. Each one of them
4 represents a different thing.

5 Q. Okay. Now, when an Aryan Brotherhood member is released
6 from prison, explain what he's supposed to do after he enters
7 the free world.

8 A. Contact whoever's in his area by plugging in.

9 Q. Okay. "Plugging in" means what?

10 A. Get in contact with whoever's in charge of the area on the
11 street.

12 Q. Okay. And that would be the Aryan Brotherhood in the free
13 world, he's supposed to report to?

14 A. Yes, sir.

15 Q. What are free world ABM members asked to do on behalf of
16 the organization? Give some examples.

17 A. Whatever they're called on to do.

18 Q. Recruit new members?

19 A. Yes, sir.

20 Q. Carry out orders?

21 MR. SUMRALL: Object to leading, Your Honor.

22 THE WITNESS: Whatever you're asked --

23 THE COURT: The objection's sustained. Let the
24 testimony come from the witness.

25 THE WITNESS: Whatever they're asked to do by a wheel

1 member or anything, any order that's passed down by the wheel,
2 they don't have no choice whether to carry out the order or
3 not.

4 BY MR. LEARY:

5 Q. When a recruit is recruited, how long is his prospect
6 term?

7 A. How long is it?

8 Q. Uh-huh.

9 A. It's supposed to be six months.

10 Q. What is a prospect to do during that six-month period?

11 A. You're supposed to study the paperwork and learn the
12 paperwork and be under the direct supervision of brothers and
13 whatever else they ask him to do during that prospect time.

14 Q. Explain whether or not he's entitled to brotherhood
15 benefits during that time.

16 A. He's treated the same as a brother.

17 Q. What's a blood-in mission, Mr. Hubanks?

18 A. That means where you have to go on a mission. That's to
19 earn your patch. You got to -- they have you to go assault
20 somebody, or whatever the order may be; either you got to shed
21 blood or draw blood.

22 Q. And that's blood in?

23 A. Yes, sir.

24 Q. Explain what blood out means.

25 A. That means to be taken out of the organization. If you're

1 smashed out, or however they deem for you to be took out; and
2 you've got to bleed.

3 Q. Coming into the Aryan Brotherhood, explain how blood plays
4 a role in that.

5 A. Blood in means you're going to take care of some business
6 on behalf of the brotherhood. You're either going to draw
7 blood or shed blood.

8 Q. And explain how blood is involved if you ever want to
9 leave the Aryan Brotherhood.

10 A. You got to shed blood.

11 Q. During your involvement with the Aryan Brotherhood in
12 Marshall County, Mississippi, tell the ladies and gentlemen of
13 the jury about the Aryan Brotherhood unification attempt that
14 was taking place.

15 A. I wasn't at Marshall County.

16 Q. Yeah, you were at Marshall County. Oh, I'm sorry. You
17 were at --

18 A. I was at Walnut Grove.

19 Q. Okay. And explain what the AB unification attempt was.

20 A. I first heard about it in the end of 2012. I guess it was
21 around September or October 2012. I was contacted by Perry
22 Mask, who was a sitting wheel member at the time. And him and
23 Barron Goff both then explained to me that they were going
24 through the process of trying to unify with California; and
25 that there was going to be a new constitution and a new patch

1 coming in.

2 And that they was offering a time free there for whoever
3 didn't want to take the new brand or be a part of the
4 unification, that they could cover up their old patch and walk
5 away with no retaliation. And then that process continued on,
6 I guess.

7 Around the end of 2012, I talked to Frank Owens on the
8 phone at the first time. And, at that time, he was sitting on
9 the wheel on behalf of Larry Sneed, who was out of
10 communication at the time. And they had had a vacant position
11 on the state captain spot, and they talked to me about filling
12 the position. They had had some problems at Parchman a couple
13 of weeks before that.

14 I had just left from there and went to Walnut Grove, and
15 they didn't none of them have no numbers or nothing at Parchman
16 to know who to contact with the other gangs that were involved
17 to try to come to an understanding. So they called me and ask
18 me did I have any numbers there, did I know anybody I could
19 call; and I did help them with that situation.

20 And then, just a couple of weeks after that, they
21 contacted me again, said a new constitution was coming in
22 effect in January 2013 and asked me would I be interested in
23 taking the state captain's position; that they needed somebody
24 that they could depend on who could communicate and knowed
25 (sic) who to contact in the other organizations inside the

1 prison system to keep down problems and to communicate with the
2 other gangs.

3 Q. Now, who was it that contacted you in December of 2012?

4 A. I talked to Perry and Barron before, but I talked to
5 Frankie the first time in December.

6 Q. And what did Frankie say to you?

7 A. Frankie actually called me, to begin with, about the
8 situation at Parchman. There was some Simon City Royals down
9 there that had jumped on some brothers at Parchman. They
10 didn't have any numbers down there or know who to contact.

11 Q. Let me stop you right there. Simon City Royals, who are
12 they?

13 A. They're another white organization that's affiliated with
14 the gangsters.

15 Q. And Frankie Owens calls you concerning what?

16 A. They had some problems at Parchman with some Simon City
17 Royals had jumped on some brothers down there.

18 Q. And what do you mean by "we didn't have numbers"?

19 A. Didn't have no contacts down there and know who to contact
20 at 29. I had just been down there for 2 years on C custody and
21 had just left from down there. And, at the time, Perry -- me
22 and Frankie didn't know one another. Perry and Barron had told
23 Frankie to call me, you know; I might know somebody to contact.
24 So that's when Frankie called me. I guess that's about the
25 first time we talked.

1 Q. What was Frankie's position on unification?

2 A. As far as the process of it?

3 Q. Uh-huh. Was he in favor of it or against it?

4 A. Yes, he was in favor of it.

5 Q. And unification was with what other state?

6 A. Well, it was -- it was supposed to be unification with

7 California and the other United States of the Aryan

8 Brotherhood.

9 Q. What benefit would unification mean for the state of

10 Mississippi?

11 A. It'd just give us a brand that was recognized by the other

12 unified states.

13 Q. Okay. Was there ever any talk of methamphetamine

14 trafficking?

15 A. At that time?

16 Q. Uh-huh.

17 A. Not at that particular time, no.

18 Q. Was there any methamphetamine discussion thereafter?

19 A. Yes, sir.

20 Q. And explain the significance of the methamphetamine

21 discussion as it pertained to unification.

22 A. Well, just by us plugging in with them and, you know, with

23 California and out west, we'd have access to bigger and better

24 things.

25 Q. All right. And you stated that Frankie Owens was in favor

1 or against unification?

2 A. In favor. And I say we all were at the time.

3 Q. At that time, everybody was?

4 A. Well, I meant the ones that were sitting on the wheel at
5 the time.

6 Q. Yes, sir.

7 A. And then, as I become state captain, naturally, I would
8 have had to been too at the time.

9 Q. When -- unification, you stated, required a new patch.
10 Explain that again, please.

11 A. It's -- it was a brand to be recognized by the other
12 unified states. Prior to that, our brand wasn't recognized by
13 anybody outside of Mississippi.

14 Q. Okay. In addition to increased recognition, you stated
15 something about a new constitution. Would you please explain
16 that to the ladies and gentlemen of the jury.

17 A. That's Article I and Article II of the constitution that I
18 described earlier, which is a set of bylaws and rules and
19 regulations for the organization.

20 Q. Now, the Aryan Brotherhood was involved in what part of
21 Mississippi?

22 A. All Mississippi.

23 Q. And is that true since your joining the organization?

24 A. Yes.

25 Q. Explain how members of the Aryan Brotherhood were able to

1 utilize conference calls while in prison. Just give a brief
2 description of how you were able to conference call each other.

3 A. We have a set time to do a conference call. A lot of
4 times, it'd be me. Sometimes it'd be Frankie. One or the
5 other of us would call the other one. And then everybody would
6 call -- you know, like, they might call my phone. Frankie
7 might call me, and then I might turn around and call Perry, and
8 then call Barron or whoever and us all tie in on one call and
9 all of us be on the line at one time.

10 Q. Okay. In late 2013, where were you located when
11 conference calls were taking place?

12 A. Alcorn.

13 Q. And, in late 2013, where was Perry Mask located when
14 conference calls took place?

15 A. Parchman.

16 Q. And, in late 2013, where was Frankie Owens located when
17 conference calls took place?

18 A. Marshall County Correctional.

19 Q. Are all those in north Mississippi?

20 A. Yes, sir.

21 Q. Explain how cell phones were utilized in drug trafficking,
22 Mr. Hubanks.

23 A. As a means to communicate. I mean --

24 Q. And you stated earlier that you'd purchased
25 methamphetamine from Perry Mask?

- 1 A. Yes, sir.
- 2 Q. On how many occasions?
- 3 A. One time.
- 4 Q. How much did you get?
- 5 A. Fourteen grams.
- 6 Q. That's about half of what?
- 7 A. Half an ounce.
- 8 Q. Okay. So an ounce would be about how many grams?
- 9 A. Twenty-eight.
- 10 Q. How much did you pay for half an ounce?
- 11 A. \$900.
- 12 Q. How did you pay Mask for it?
- 13 A. Money -- Green Dot MoneyPaks.
- 14 Q. Where were you located when you got the methamphetamine?
- 15 A. Alcorn.
- 16 Q. Where was Mask when he sold it to you?
- 17 A. Parchman.
- 18 Q. How did he get it to you?
- 19 A. It was transferred from the street.
- 20 Q. How did they get it inside the prison?
- 21 A. It was smuggled in inside tobacco.
- 22 Q. What are the different techniques the Aryan Brotherhood
- 23 utilized to get methamphetamine inside a prison?
- 24 A. A lot of it is throwed (sic) over the fence. You have
- 25 brothers out on the street that was being used to go throw

1 packages over fences at different facilities. A lot of corrupt
2 officers being paid off to bring it in. A lot being brought in
3 through visitation. It's just however we could get it.

4 Q. Drug trafficking in prison lucrative?

5 A. Yes, sir.

6 Q. Frankie Owens ever utilize Green Dot cards?

7 A. Yes, sir.

8 Q. Who's William Carroll?

9 A. CC.

10 Q. Uh-huh. That's his street name?

11 A. CC, Charlie Carroll.

12 Q. Where's he from?

13 A. I believe he's from around Vicksburg.

14 Q. And what -- the state of Mississippi is divided into
15 regions. What region would that be?

16 A. Central.

17 Q. What was his role in the AB?

18 A. He was a central area captain.

19 Q. Did you ever talk to him?

20 A. Yes, sir.

21 Q. Was he arrested during the course of this investigation?

22 A. Yes, sir.

23 Q. Did you actually talk to him while he was being arrested?

24 A. Yes, sir. While he was being chased.

25 Q. What was he arrested with?

1 A. I think 4 ounces of meth, a handgun and a rifle; and I
2 forget exactly -- \$3,600; something like that.

3 Q. Who's the most dangerous wheel member?

4 MR. SUMRALL: Objection, Your Honor. It calls for an
5 opinion.

6 BY MR. LEARY:

7 Q. Do you have personal knowledge --

8 THE COURT: Wait --

9 MR. LEARY: I'm sorry.

10 THE COURT: See if you can qualify that a bit.

11 BY MR. LEARY:

12 Q. In late 2013, did you have personal contact with all --
13 the other two wheels?

14 A. In 2013, yes.

15 Q. Extensive contact?

16 A. Yes.

17 Q. Based on your extensive contact with the other two wheels,
18 do you know which one was the most dangerous?

19 THE COURT: Okay. I'm going to permit the witness to
20 answer that question based on his observations.

21 THE WITNESS: In my personal opinion, I'd say
22 Frankie.

23 BY MR. LEARY:

24 Q. Is Frankie a thunder warrior?

25 A. Yes.

- 1 Q. Were you ever housed with Frankie Owens?
- 2 A. Yes, sir.
- 3 Q. Where?
- 4 A. Greene County in Tower 5. We were placed on
- 5 administrative segregation on this investigation in November of
- 6 2013.
- 7 Q. Okay. So I'm going to back up a little bit. In November
- 8 of '13, you were moved where?
- 9 A. From Alcorn to Greene County.
- 10 Q. Okay. Who else was moved to Greene County?
- 11 A. Myself, Frankie, Terry Kelly, Perry Mask, and Barron Goff.
- 12 Q. And the reason for that movement was what?
- 13 A. A federal investigation.
- 14 Q. Did you talk to Frankie Owens while he was in Greene
- 15 County?
- 16 A. Yes, sir.
- 17 Q. Who is Barron Goff?
- 18 A. He's a -- I took his spot on the wheel.
- 19 Q. So his role in the Aryan Brotherhood, before you took his
- 20 spot, was what?
- 21 A. He was a wheel member.
- 22 Q. Identify wheel members before you became a wheel member,
- 23 as best you can remember.
- 24 A. Before I became a wheel member?
- 25 Q. Yes.

1 A. Perry, Frankie -- Perry Mask, Frankie Owens, and Barron
2 Goff.

3 Q. Okay.

4 A. Prior to that, would have been Perry Mask, Larry Sneed,
5 Chris Craft, Brandon Creel.

6 Q. Okay. Was Brandon Creel a free world wheel?

7 A. Yes, sir. And sometime in between -- before -- I mean,
8 yeah, before Chris Craft, would have been Mackie May.

9 Q. While you were incarcerated with Frankie Owens, in your
10 presence, what did Frankie Owens yell at Barron Goff?

11 A. Are you speaking about when Barron was wanting to get out,
12 wanting out --

13 Q. Yeah.

14 A. Well, Barron had made a comment, after we got to Greene
15 County -- they had been -- you know, obviously, there was some
16 fallout by him stepping down off the wheel in September anyway.
17 And then, once we got to Greene County, Barron had made a
18 comment that he couldn't follow this wheel anymore. And he
19 didn't want to be a part of it; he just wanted to step back.

20 And him and Frankie, up to that point, was pretty tight.
21 And Frankie took it personal that Barron wanted to step down
22 and made the comment that now that the Feds had come in the
23 picture he wanted to jump ship, and he was the reason that
24 Frankie was looking at the death penalty.

25 Q. Okay. So Barron Goff -- Frank Owens -- you see him in

1 this courtroom?

2 A. Yes, sir.

3 Q. Frankie Owens said that Barron Goff was the reason he was
4 looking at what?

5 A. The death penalty. Or maybe -- maybe he didn't say death;
6 maybe said lethal injection. I don't know, but something along
7 those lines.

8 Q. Who's Jeremy Bailey?

9 A. He was a brother.

10 Q. Where was he housed?

11 A. At Marshall County.

12 Q. What happened to him?

13 A. He got stabbed.

14 Q. Who were the spokes when Jeremy Bailey was stabbed?

15 A. Barron, Frankie, and Perry.

16 Q. Barron Goff; is that correct?

17 A. Yes.

18 Q. You said Frankie; is that Frankie Owens?

19 A. Yes, sir.

20 Q. You said Perry; is that Perry Mask?

21 A. Yes, sir.

22 Q. Who issued the order on Jeremy Bailey?

23 A. You want me to go through this and explain this whole
24 situation?

25 Q. Yes, please.

1 A. When this first took place, it was supposed to -- Bailey
2 had supposed to been texting this girl, sending this girl some
3 obscene text messages concerning what he was going to do to her
4 and her daughter when he got out of prison. And that's one
5 thing that we didn't tolerate, is any acts of violence against
6 women or children.

7 Q. Is that a code of the Aryan Brotherhood?

8 A. Yes, sir. Yes, sir.

9 Q. Okay.

10 A. And, anyway, somehow or another, this girl's daddy
11 supposedly got ahold of the phone and seen the text messages.
12 And he contacted -- I think he contacted Frankie. I'm not sure
13 if it's Frankie or Perry, but I think it's Frankie that called
14 me.

15 Somehow, he got the numbers from somebody to contact us
16 instead of going to law enforcement about the text messages.
17 And, in turn, Frankie contacted me as state captain at the
18 time, telling me that he had talked to the girl's daddy; and
19 that -- wanted me to start a -- start an investigation on --
20 you know, on the incident with Bailey.

21 And the first thing I said was, you know, well, how do we
22 know this? We can't take his word over a brother because
23 that's part of the constitution too, brothers before others.

24 Q. Right.

25 A. Unless you can prove that -- you know, it's their word.

1 We can't take someone else's word over yours. So, at that
2 time, Frankie said, well, the guy had took pictures of the text
3 messages; and it had Bailey's phone number on there, you know,
4 where it come from his phone.

5 And Frankie forwarded me the messages from the phone, and
6 I seen the messages; I read the messages. And, at that point,
7 I asked him, "Well, what's there to investigate? If it come
8 from his phone, what do y'all want me to do? You know, only
9 thing I can do is call him and talk to him. Has anybody said
10 anything to him?"

11 said, "No, hasn't nobody said nothing to him." They
12 didn't want me to say anything to him. So we went and got on a
13 conference call. The wheel was on the line; I was on the line.

14 Q. Were you a wheel at this time?

15 A. No. I was state captain.

16 Q. Okay. When you say the wheel was on the line --

17 A. That would have been Barron Goff, Frankie Owens, and Perry
18 Mask.

19 Q. Okay. What happened next?

20 A. They discussed the situation with the text messages and
21 with Bailey. Also, Bailey had just been violated just a short
22 time before this for other unbecoming-a-brother conduct. The
23 long and short of the story, at that particular time, it was
24 voted on that Bailey was going to be stabbed.

25 Q. Were you in favor of that or against it?

1 A. I didn't have a vote in it either way. I was a state
2 captain.

3 Q. What was your personal feeling on it?

4 A. At the time, my personal feeling, if he had -- if he was
5 guilty of it, I guess he deserved what he got.

6 Q. Uh-huh. Who did you talk to about it next?

7 A. But they voted on it, to stab Bailey. Well, after we got
8 off the phone -- and I got to thinking about it, and I called
9 Perry back first. And I talked to Perry because I knew Perry
10 had been at Marshall County for a long time, and he had a lot
11 going on up there. And he had a lot to lose if something
12 happened, and he got moved from there.

13 So I called him back, and I told him, you know, Perry, you
14 know, I stayed up there for 6 years in Marshall County; and I
15 know Steve Gurley, who was the CID director up there. And I
16 said, you know, "If y'all do that, everything you got going up
17 there is over with. They're going to pack every one of you up
18 and move you."

19 And he said, "Well, what do you think? You know, what do
20 you think if we just whoop him?" I said, "Well, my personal
21 experience with Steve Gurley while I was up there, if you just
22 beat him up, he's going to call you out and want to know what
23 the problem is; and you tell him exactly what the deal is, why
24 it happened. And he's going to want to know is it over with;
25 and, if it's over with, he's going to let him back out on the

1 compound where he can get his patch and stuff covered up."

2 So, after I talked with Perry about it, I called Barron
3 and talked with Barron about it. I'm not sure if I talked to
4 Frankie about it or not before they had the next conference
5 call. But, whenever they got on the conference call again,
6 they agreed to not stab him; that they were just going to beat
7 him up.

8 Q. Okay. So the order on Jeremy Bailey was reduced from what
9 to what?

10 A. From stabbing him to just beating him up.

11 Q. Okay. And, so, what happened after that?

12 A. The night that he was supposed to get beat up, he got
13 stabbed.

14 Q. Who ordered the stabbing of Jeremy Bailey?

15 MR. SUMRALL: Objection, Your Honor, unless he has
16 personal knowledge.

17 THE COURT: If you know.

18 BY MR. LEARY:

19 Q. Do you have personal knowledge who ordered the stabbing of
20 Jeremy Bailey?

21 A. Not other than Frankie committing it.

22 Q. Okay. So who ordered the stabbing on Jeremy Bailey?

23 A. Frankie.

24 MR. SUMRALL: Objection, Your Honor. He has no
25 personal knowledge.

1 THE COURT: I thought he said Frankie told him.

2 THE WITNESS: Frankie admitted to it.

3 THE COURT: Okay. Objection overruled.

4 BY MR. LEARY:

5 Q. Frankie Owens admitted to you that he did what?

6 A. At one point in time, me and Perry both -- Barron, none of
7 us knowed (sic) it was going to happen until after it happened.
8 Perry was actually in the zone. They went to the zone, got
9 him, took him, and locked him down. Moved Perry the next day.
10 I actually had got a brother to get a phone up there to
11 Frankie in the hole where I could talk to him and try to find
12 out what happened and why it happened. I talked to Frankie
13 while he was in the hole.

14 He said "Scissorhands" had talked to CID and told them
15 that it was a personal thing, and that it didn't have anything
16 to do with the brotherhood and signed a statement to that; and
17 that they were releasing him back out to population.

18 At a later date, when me and him and Perry was on the
19 phone, something else was said about doing something; and Perry
20 made the comment to him about, "Yeah, and that -- we know what
21 that'll do too, how that'll end up, just like it did when you
22 got me moved to Parchman." And, at that time, Frankie spoke
23 and said, "Well, yeah, you know, brother to brother, I been
24 meaning to apologize to y'all for that."

25 Q. Now, who stabbed Jeremy Bailey?

- 1 A. Ricky Jenkins.
- 2 Q. What's his street name?
- 3 A. "Scissorhands."
- 4 Q. Is he an ABM member?
- 5 A. Yeah.
- 6 Q. Now, what did Frankie tell you that Scissorhands earned?
- 7 A. He earned his bolts.
- 8 Q. So Frankie told you that Scissorhands earned his what?
- 9 A. Bolts.
- 10 Q. By doing what?
- 11 A. Stabbing Bailey.
- 12 Q. Now, tell me what bolts are.
- 13 A. The thunder warrior.
- 14 Q. And bolts are signified by what?
- 15 A. By an extremely violent mission or three confirmed
- 16 missions.
- 17 Q. And how is it represented on your body?
- 18 A. On your neck.
- 19 Q. By what?
- 20 A. Bolts.
- 21 Q. What's tattooed on your neck?
- 22 A. Bolts.
- 23 Q. It's like SS?
- 24 A. Yes.
- 25 Q. Frankie Owens apologized for it?

1 A. I guess you could call it an apology. When Perry said
2 something about it, he said, "Yeah, I been meaning to apologize
3 to y'all for that."

4 Q. Who is Preston Godwin or Goodwin?

5 A. He was a brother.

6 Q. Where was he located?

7 A. At one point, he was at Marshall County. He ended up at
8 Walnut Grove.

9 Q. And who is Joseph Gardner?

10 A. He was a brother too.

11 Q. What's his street name?

12 A. "Schitzo."

13 Q. "Schitzo"?

14 A. Yeah.

15 Q. Both of them were affiliated with who?

16 A. With the brotherhood.

17 Q. While you were a wheel, was an SOS ordered on Preston
18 Godwin?

19 A. Yes.

20 Q. For what?

21 A. Been a number of things with Preston in the past. Mostly
22 it was dealing with him shooting dope and running up dope
23 bills.

24 Q. Who was supposed to assault Preston Godwin?

25 A. Schitzo.

1 Q. How was he supposed to assault him?

2 A. Stab him.

3 Q. Was your bunk ever searched in this case?

4 A. Yes, sir.

5 Q. Items taken from your bunk?

6 A. Yes, sir.

7 Q. Okay. Mr. Hubanks, I ask if you can identify that
8 document I just gave you?

9 A. Yes. It's a -- it's a study schedule that I had drawn
10 (sic) up for brothers at Alcorn County.

11 Q. Okay. Did that pertain to the Aryan Brotherhood of
12 Mississippi?

13 A. Yes, sir.

14 MR. LEARY: Your Honor, the Government would move to
15 have the study schedule for Aryan Brotherhood members entered
16 into evidence as the next Government exhibit. I believe it's
17 20.

18 THE COURTROOM DEPUTY: Yes, sir.

19 MR. SUMRALL: No objection.

20 MR. TURNER: Object to the relevance, Your Honor.

21 THE COURT: Okay. There's an objection as to
22 relevance. What do you say to that, Mr. Leary?

23 MR. LEARY: Your Honor, Rule 401 says that relevant
24 evidence is that evidence that has any tendency to make a fact
25 or consequence more or less probable. And I would respectfully

1 assert that what this particular evidence does is it shows the
2 extent of the Aryan Brotherhood activities in writing out
3 training schedules, as well as this man's membership in the
4 Aryan Brotherhood.

5 THE COURT: Okay. The objection's overruled. Let's
6 admit it. But we need to connect it with these two defendants.

7 MR. LEARY: Okay. Thank you, Your Honor.

8 THE COURT: The document will be admitted.

9 (EXHIBIT NO. G-20 WAS RECEIVED INTO EVIDENCE)

10 BY MR. LEARY:

11 Q. Now, concerning the Aryan Brotherhood of Mississippi,
12 explain what you -- what a training schedule is.

13 A. In respect to that?

14 Q. Yes.

15 A. That was a study schedule that I drewed (sic) up. It's
16 pertaining to the new constitution, Article I and Article II of
17 the new constitution that came into effect in January. Through
18 the whole year of 2013 leading up to November when we were
19 moved to Greene County and locked down, we were trying to
20 contact all brothers inside and outside that didn't have a copy
21 of the new paperwork and the new patch, getting everybody to
22 put the new brand on and learn the new paperwork.

23 And this particular schedule is one that I drewed up
24 myself personally where I was housed at Alcorn County. This
25 was a schedule that I was having the brothers at the facility

1 with me learn.

2 THE COURT: Okay. Just a moment. Stop. Okay,
3 Mr. Turner?

4 MR. TURNER: I'd just like to renew my objection,
5 Your Honor. This doesn't have anything to do --

6 THE COURT: I think we can move along here. The
7 objection was on relevancy, and I think you've established that
8 they have such a document; that they try to study and learn
9 their constitution.

10 MR. LEARY: Okay. Thank you.

11 BY MR. LEARY:

12 Q. Mr. Hubanks, would you please identify the documents that
13 I just handed you?

14 A. This is -- it's Article I, Article II.

15 Q. Of the what?

16 A. Of the new constitution of the Aryan Brotherhood.

17 Q. Was that seized from your bunk?

18 A. Yes, sir.

19 Q. Now, attached to that, there's a copy of the constitution.
20 Review those and tell the ladies and gentlemen of the jury
21 whether or not they are the same document.

22 A. (Perusing document). Yes, sir.

23 Q. Now, this was the new constitution that was being drafted
24 pursuant to what?

25 A. To the unification.

1 Q. And you stated previously that Frankie was in favor or
2 against unification?

3 A. Favor.

4 MR. LEARY: Your Honor, at this time, the Government
5 would move to have the Aryan Brotherhood constitution entered
6 into evidence as the next numbered Government exhibit. I
7 believe it's 21.

8 MR. TURNER: I object to relevance again, Your Honor.
9 I don't know how that pertains to my client at this time. He
10 doesn't have a copy with his signature on it, so I would just
11 object to the relevance.

12 MR. SUMRALL: Your Honor, we would object on the
13 grounds of authenticity. We don't know who drew this up, where
14 it came from. And it's not been properly introduced; and we
15 object to it being introduced, not setting the proper predicate
16 for it.

17 THE COURT: Okay. The objection's overruled given
18 the broad scope of Count 1 of this indictment. The objection's
19 overruled.

20 (EXHIBIT NO. G-21 WAS RECEIVED INTO EVIDENCE)

21 MR. LEARY: Your Honor, what I just moved to have
22 entered was a cumulative exhibit containing the original
23 constitution that was seized from Mr. Hubanks, as well as a
24 copy of that constitution that was produced to defense counsel.
25 BY MR. LEARY:

1 Q. I'm going to ask you some questions about this Aryan
2 Brotherhood constitution.

3 MR. TURNER: Your Honor, may we have a sidebar?

4 THE COURT: Yes, sir.

5 (DISCUSSION AT SIDEBAR OUTSIDE THE HEARING OF THE JURY)

6 MR. TURNER: Your Honor, I know I've objected to
7 relevance. But, at this time, I'd like a continuing objection
8 on all of this because I could understand if Mr. Leary was
9 producing a signed document to this effect. And if he just
10 wants to talk about the Aryan Brotherhood, the Aryan
11 Brotherhood is not on trial here; Mr. Parker is.

12 And I know it -- he can go through it all, and maybe
13 Mr. Hubanks signed it and maybe he created it; but I don't,
14 right now, know that the predicate has been laid as to how it
15 applies to Mr. Parker. And that's my objection.

16 MR. SUMRALL: Or to Mr. Owens either, Your Honor; we
17 join in that.

18 THE COURT: Okay. Well, the predicate acts of the
19 enterprise and so forth, as defined in Count 1 of the
20 indictment, directing to membership in the Aryan Brotherhood, I
21 think, in the opinion of the Court, given the scope of the
22 allegations in Count 1 of the indictment being a conspiracy
23 charge, that this is relevant.

24 And, if the man identifies it as the constitution of the
25 organization, I'm going to permit its introduction into

1 evidence. The objection of both defendants is noted and made
2 continuing.

3 MR. TURNER: Could I ask that a limiting instruction
4 be given at some point that this is what it was from a certain
5 time period forward? Because I believe that --

6 THE COURT: Is that -- unification was in the fall of
7 2013?

8 MR. LEARY: It was, Your Honor.

9 MR. TURNER: That would be the only additional, and
10 I'd like a continuing objection as to the questions.

11 THE COURT: Well, you can bring that out in your
12 testimony. It's effective only after -- I believe it was
13 October of 2013.

14 MR. LEARY: I'll ask him questions. I believe it was
15 drafted in January of 2013, but I'll clear that up with some
16 questions.

17 MR. TURNER: Thank you.

18 THE COURT: Very well. All of the objections are
19 noted for the record.

20 MR. TURNER: Thank you.

21 (END OF DISCUSSION AT SIDEBAR OUT OF HEARING OF THE JURY).

22 BY MR. LEARY:

23 Q. Mr. Hubanks, what you have in front of you is an Aryan
24 Brotherhood constitution. Now, again, tell the ladies and
25 gentlemen of the jury -- that constitution deals with what?

1 A. It's a -- it's a set of rules and the bylaws, code of
2 silence; tells you about the history, the chain of command
3 structure, your colors, all your meanings, code of ethics, code
4 of honor, a list of violations, about church meetings. It's
5 just a -- it's, like, a handbook.

6 Q. Did you read the constitution of the Aryan Brotherhood
7 prior to 2013?

8 A. This one?

9 Q. No. Just the Aryan Brotherhood constitution. Had you
10 ever seen a copy of it prior to 2013?

11 A. Yeah. I wouldn't -- I don't know if it was as extensive
12 as this; but, yeah, we had paperwork.

13 Q. That was the constitution?

14 A. Yeah.

15 Q. And is part of that paperwork included in this?

16 A. Yes, sir.

17 Q. Okay. Are Aryan Brotherhood members charged with abiding
18 by the terms of the constitution?

19 A. Yes, sir.

20 Q. If you would, Mr. Hubanks, turn to page 1 of the
21 constitution.

22 A. Article I?

23 Q. Article I, page 69.

24 A. All right.

25 Q. On page 69, under subparagraph 6 -- read subparagraph 6

1 under Article I, Section 1.

2 A. Question 6? "Do you believe in death before dishonor?"

3 Q. Now, what exactly are these questions referring to?

4 A. Well, this is a questionnaire for a prospect.

5 Q. Number 12 in the questionnaire question, would you please
6 read that one?

7 A. "Could you use terrorist tactics to teach someone a lesson
8 or to prove a principle?"

9 Q. Line Item 13, what does that say?

10 A. "Do you believe that a Government ran by the minority
11 would be better or worse than the present world?"

12 Q. Turn the next page to page 70. Read subsection 13.

13 A. Which one?

14 Q. I'm sorry. Subparagraph 19.

15 A. It says "We are extremely prejudiced against certain
16 racial groups. What's your opinion on this statement?"

17 Q. Now, that question concerns racial views against what race
18 in particular?

19 A. Sir?

20 Q. That -- that question right there concerns racial views
21 against what race?

22 A. Any other race.

23 Q. Other than?

24 A. The Aryan race.

25 Q. And subparagraph -- subparagraph 30, what is that?

1 A. "If, after you're released, you are ordered to terminate
2 another person, could you do so without any explanation or
3 hesitation?"

4 Q. Page 71, Section 2, "Prospect Compact." What is that,
5 Mr. Hubanks?

6 A. That's a prospect compact that has to be signed by a
7 prospect and by a recruiter, and then it's got a place there
8 for three brothers to witness it.

9 Q. And the first paragraph under "dear prospect -- what does
10 that first sentence say, Mr. Hubanks?

11 A. "You stand forewarned of the increasing risk to you."

12 Q. And the second paragraph, read that for me, please.

13 A. "Should you not be selected to be promoted to brother
14 status, you shall remain under an oath of secrecy upon penalty
15 of death if you ever reveal any of your knowledge to anyone.
16 If acceptance is not -- if acceptance is not given to you,
17 don't lose heart; keep the faith in white supremacy in the
18 future of the Aryan cause.

19 "The Aryan cause goes deeper than you can imagine or what
20 you shall learn in the short time given. If you read with the
21 right heart, your whole existence can be changed from one of
22 knowing many to one of the elite few who are preparing for the
23 end of time as we know it.

24 "To be one of the single, pure, and supreme nation of the
25 elite few, we must be careful who is chosen to be accepted and

1 given the esteemed honor of becoming a brother. We must be
2 sure that those chosen will all follow Aryan heritage and have
3 a pure and sincere heart.

4 "Therefore, ask yourself with honesty and sincerity, Am I
5 ready and willing to make this lifelong commitment and pledge?
6 Am I Aryan material and worthy of such? Is my heart pure,
7 strong and honorable? And do I accept and agree with the
8 beliefs of white supremacy, and will I die for that belief?

9 "If after asking yourself these questions and being
10 confident of your questions and you wish to continue to try to
11 become one of the chosen few, then proceed beyond this point
12 with the blessing of the family --

13 Q. I think that's good. Turn to page 72, Mr. Hubanks.
14 Article I, Section 5, entitled "History." The third sentence
15 begins with "they are the most violent of all white
16 organizations." Read that sentence for me.

17 A. "They are the most violent of all white organizations,
18 having potential members murder, or act as an accomplice to
19 murder, as a prerequisite of membership into the organization."

20 Q. Are we talking about the Aryan Brotherhood?

21 A. Yes.

22 Q. Please turn to page 73. The top half of the page -- I'd
23 like for you to read the last part of the top half of the page.
24 It begins with the word "most." I just circled it. Would you
25 begin right there and read to the end of that section, please?

1 A. All right. It says "Most members who have proven
2 themselves in a violent cause for the organization are awarding
3 lightening bolts and can be tattooed on their necks as a symbol
4 of their strength and respect within the organization.

5 "These members are called thunder warriors and usually
6 hold upper ranks. If the tattoos using the Aryan Brotherhood
7 name are not legitimate, they either kill the person or at
8 least remove the tattoo. The Aryan Brotherhood opted to avoid
9 future conspiracy charges that may arise by ceasing the
10 practice of murder."

11 Q. Frankie Owens a thunder warrior?

12 A. Yes, sir.

13 Q. Turn to page 75. I'm just going to page through this.

14 Page 75 -- are you there, Mr. Hubanks?

15 A. Yes, sir.

16 Q. Do you see Section 8? Can you please identify what that
17 section's titled?

18 A. "Meanings of the Brand."

19 Q. And then go to Section 9. What is that section entitled?

20 A. "Chain of Command."

21 Q. And, under "Chain of Command," do you see, centered, the
22 word wheel?

23 A. Yes.

24 Q. Please turn the page to 76. Centered, do you see the
25 word -- what at the top?

1 A. "State captain."

2 Q. And right there?

3 A. "Captains."

4 Q. And then under that?

5 A. "Lieutenants."

6 Q. And on the next page?

7 A. "Sergeant of arms."

8 Q. And then turn to page 78. Article II, Section 1 is

9 entitled what?

10 A. The "Constitution of the Brotherhood."

11 Q. And then right here where I put that dot, there's a

12 sentence that begins right above it. "The Aryan Brotherhood

13 will always -- the Aryan Brotherhood has, and will always,

14 fashion itself under Sinn Fein. What does that mean?

15 A. Ourselves alone.

16 Q. And, on the next page, page 79, right where I put that

17 dot, Mr. Hubanks, it begins "this constitution is to assure."

18 Would you please read that section?

19 A. "This constitution is to assure all brothers of their

20 responsibilities to the Aryan Brotherhood, what it's expected

21 to represent, stand proud for; and, under no circumstances, is

22 it to be neglected, disrespected, or used in slander by anyone

23 for any insults certain of immediate death."

24 Q. And then under that -- well, let me go back. What the

25 constitution says is that if it's disrespected or slandered for

1 any insult is certain and immediate death. Is that what it
2 says?

3 A. Yes.

4 Q. Under Article II, Section 2, what is that section
5 entitled?

6 A. "The Blood Oath."

7 Q. And what is this section entitled?

8 A. "Brotherhood Creed."

9 Q. And what is this section entitled?

10 A. "The Aryan Warrior Motto."

11 Q. And briefly tell me what that motto says right there at
12 the end.

13 A. "Where Aryan boots tread, there will be respect or
14 bloodshed."

15 Q. On the next page, 80, Article II, Section 5 is entitled
16 what?

17 A. "Swastika."

18 Q. Swastika? And then, under that, Article II, Section 6 is
19 entitled what?

20 A. "Four Principles of Brotherhood."

21 Q. Then the next page, on page 81, Article II Section 7 is
22 entitled?

23 A. "Brotherhood Lockbox."

24 Q. Please turn to page 85, Mr. Hubanks. The top section,
25 Subsection (e) at the top of page 85, would you please read

1 what that says?

2 A. "Prospects can only earn membership in one of two ways,
3 either by blood in mission or standing in battle with a member
4 or members. There are no exceptions, period."

5 Q. Please turn to page 86. Article II, Section 17, what does
6 that concern?

7 A. Article II, 17?

8 Q. Yes, sir.

9 A. "Free World Communications."

10 Q. And just read that first sentence, please, sir.

11 A. "All brothers who are paroled or released are to report to
12 his area or zone captain within five days after his release."

13 Q. What does that pertain to, Mr. Hubanks?

14 A. That's pertaining to brothers that's being released to
15 society.

16 Q. And Section 18 under that, what does that concern?

17 A. It's -- free world meetings are called church.

18 Q. Thank you, Mr. Hubanks.

19 THE COURT: How much longer do you anticipate you'll
20 have this witness, Mr. Leary?

21 MR. LEARY: Your Honor, we still have quite a bit to
22 do. Not before we could break.

23 THE COURT: Very well. Ladies and gentlemen of the
24 jury, we're going to take our noon recess. You'll be in recess
25 until 1:30. Remember, do not discuss the case among

1 yourselves; do not permit anyone to discuss it with you. The
2 jury -- let's let the jury file out to the jury room.

3 (JURY OUT AT 11:59 a.m.)

4 THE COURT: Okay. Court will be in recess until
5 1:30.

6 (Lunch recess at 11:59 a.m. until 1:30 p.m.)

7 (CALL TO ORDER OF THE COURT)

8 THE COURT: Let's see. Mr. Leary, you wanted to open
9 without the jury?

10 MR. LEARY: Yes, Your Honor. We had one -- we wanted
11 to revisit a motion that we had previously filed with the
12 Court. If it pleases the Court, I can address it right now.

13 THE COURT: Okay.

14 MR. LEARY: In opening statement, the defense made
15 several statements to the jury. One of the statements was
16 "Where is Michael Hudson?" And the next statement was "There
17 is no body." And the next statement was "You will hear no
18 evidence connecting Parker to a meth conspiracy."

19 And the reason the Government views that as disturbing is
20 that we have a confession from Mr. Parker where Mr. Parker
21 admitted to Hudson arriving at his house. He admitted to
22 Hudson being killed at his house.

23 He admitted to Hudson being picked up at his house by
24 Frankie Owens and by Bradley Creel. And he also admits, in
25 that confession, to trafficking in pounds of methamphetamine

1 every week during the term of this conspiracy, which begins in
2 2009.

3 And, so, the position that the Government is making is
4 that the defendant cannot have it both ways. He cannot tell us
5 that the man was murdered, tell us what happened to the body,
6 tell us of his meth trafficking activity and then, at the same,
7 time argue to the jury to the contrary, or at least leave them
8 with the idea that we don't know about his meth trafficking,
9 the murder, and the disposal of the body; when we do know. We
10 know exactly from his mouth.

11 That is the position that we're arguing, Your Honor. That
12 if he -- I would respectfully argue that he's opening the door.
13 But, if he continues down this path, I'm going to have
14 witnesses on the stand -- for instance, Mr. Douglas. And, if
15 he asks Mr. Douglas, You have no evidence of Mr. Parker's
16 involvement in this murder? Mr. Douglas's response, if he's
17 going to be truthful, is, yes, as a matter of fact, I do.

18 That's the problem I see that we're running into, so I
19 would respectfully assert that we've opened the door here in
20 this case already; and, if not, we are getting dangerously
21 close.

22 THE COURT: Thank you.

23 Mr. Turner?

24 MR. TURNER: Your Honor, I know that we've briefed
25 this to you already, as far as in our motions, and cited to

1 authority. There is absolutely no case law that says that
2 argument is evidence. Those cases that do exist say -- they
3 refer to evidence that's being elicited.

4 And, in those situations, I do understand that certain
5 courts have allowed those confessions to be played at those
6 times. But there's not any case law decided, though, that
7 deals with argument. Because we all know it's not evidence.
8 The Court even instructs that, arguments of counsel is not
9 evidence. And I understand what Mr. Leary is saying; but we're
10 not at that stage right now, according to the case law.

11 THE COURT: What I'm going to is I'll hold this under
12 advisement, Mr. Leary. And it's my recollection that you
13 stated that -- you anticipate you would use the confession or
14 statement made by Mr. Parker only for impeachment purposes?

15 MR. LEARY: That is correct, if he's opening -- yes,
16 Your Honor.

17 THE COURT: Pretrial, that was the way it was left
18 with the Court. I tell you, I'll be mindful --

19 MR. LEARY: Thank you.

20 THE COURT: -- and observant as to whether or not the
21 door's opened and --

22 MR. LEARY: Thank you, Judge.

23 THE COURT: -- cross it when we get to it.

24 MR. TURNER: Yes, Your Honor.

25 THE COURT: Okay. Are we ready for the jury?

1 Let's have the jury, Mr. Marshal.

2 (JURY IN AT 1:37 p.m.)

3 THE COURT: Let's see. I believe we had Mr. Hubanks
4 on the stand. We need the witness back on the stand.

5 Mr. Hubanks, when we took the noon recess, you were on the
6 stand. I'll remind you, sir, you're still under oath.

7 Mr. Leary, you may continue your examination.

8 MR. LEARY: Thank you, Your Honor.

9 BY MR. LEARY:

10 Q. Mr. Hubanks, I believe that you testified that you became
11 an AB member in 2005/2006; is that correct?

12 A. Yes, sir.

13 Q. During that time frame, where were you living?

14 A. I was at -- at Marshall County Correctional Facility.

15 Q. Mr. Hubanks, have you been part of the free world since
16 you joined the Aryan Brotherhood?

17 A. No, sir.

18 Q. Mr. Hubanks, do you know all the Aryan Brotherhood members
19 in the state of Mississippi?

20 A. No, sir.

21 Q. How long have you known Mr. Mask, Mr. Hubanks?

22 A. I knowed (sic) who he was for some time. We're from the
23 same county. But, as far as personally knowing him or ever
24 talking with him, the first time, I guess, I talked to him
25 would have been around September or October of 2012 by

1 telephone.

2 Q. Okay. And I believe you testified you first started
3 talking to Frankie Owens on the telephone about when?

4 A. Around December of 2012.

5 Q. And those telephone conversations with Perry Mask and
6 Frankie Owens concerned what, in general?

7 A. The unification and then my, eventually, taking the state
8 captain's position.

9 Q. And you eventually rose to the rank of what?

10 A. Wheel member.

11 Q. Now, Mr. Hubanks, did you make conference calls to
12 Mr. Mask and Mr. Owens?

13 A. Yes, sir.

14 Q. Were those calls intercepted?

15 A. Yes, sir.

16 Q. Have you listened to those calls?

17 A. Yes, sir.

18 Q. Can you identify the voices on the calls?

19 A. Yes, sir.

20 Q. Did you identify Perry Mask's voice?

21 A. Yes, sir.

22 Q. Mr. Owens' voice?

23 A. Yes.

24 Q. Did you read the transcripts of the calls?

25 A. Yes, sir.

1 MR. LEARY: Your Honor, at this time, the Government
2 would like to play Call No. 233 previously entered into
3 evidence as Government's Exhibit 6-A.

4 THE COURT: Now, the -- the tape is in evidence.

5 MR. LEARY: Yes, Your Honor.

6 THE COURT: Do you anticipate exhibiting the
7 transcripts to the jury via the electronic presenter?

8 MR. LEARY: I do, Your Honor.

9 THE COURT: Very well. That being the case, I need
10 to give a cautionary instruction to the jury. And your exhibit
11 is 6-A?

12 MR. LEARY: Yes, Your Honor.

13 THE COURT: The transcript would be 6-B.

14 MR. LEARY: Yes, Your Honor.

15 THE COURT: Ladies and gentlemen of the jury,
16 Exhibit 6-B has been identified as a typewritten transcript of
17 an oral conversation which can be heard on the tape recording
18 received into evidence as Government's Exhibit 6.

19 The transcript also purports to identify the speakers
20 engaged in such conversation. I have admitted the transcript
21 for the limited and secondary purpose of aiding you in
22 following the content of the conversations as you listen to the
23 tape recording and also to aid you in identifying the speakers.

24 You are specifically instructed that whether the
25 transcript correctly or incorrectly reflects the content of the

1 conversation or the identity of the speakers, it is entirely
2 for you to determine, based upon your own evaluation of the
3 testimony you have heard concerning the preparation of
4 transcripts and from your own examination of the transcript in
5 relation to hearing of the tape recording itself as the primary
6 evidence of its contents.

7 And, if you should determine that the transcript is, in
8 any respect, incorrect or unreliable, you should disregard it
9 to that extent. It is what you hear on the tape that is the
10 evidence, not the transcripts. Now, with that said to you,
11 ladies and gentlemen, I'll permit the Government to play the
12 tape.

13 MR. LEARY: Thank you, Your Honor. I'm going to ask
14 a few questions first.

15 THE COURT: Wait just a moment.

16 MR. SUMRALL: For the record, may we have our
17 continuing objection?

18 THE COURT: Yes. Yes. That objection was overruled.
19 The Defendant Owens made an objection at the time these
20 disks -- the tapes were tendered into evidence. The Court
21 overruled that objection and noted every time the tape or
22 transcript was -- the Court noted every time a disk -- tape
23 recording was introduced into evidence the continuing objection
24 was noted, and it's noted now.

25 Okay. You may proceed, Mr. Leary.

1 MR. LEARY: Thank you, Your Honor.

2 BY MR. LEARY:

3 Q. In 2013, Mr. Hubanks, the Aryan Brotherhood was
4 negotiating unification with which other Aryan Brotherhood
5 entities?

6 A. Specifically, California and all the other United States.

7 Q. Who was the Aryan Brotherhood of Mississippi negotiating
8 with from California?

9 A. Supposedly with counsel from California, mainly someone
10 named Rich; and, who else, I don't know. I never personally
11 participated in any of those calls.

12 Q. The person that you were aware of was Rich?

13 A. Yes, sir. He was a liaison here in Mississippi known as
14 "Ghost." What his name is, I do not know.

15 Q. Okay. He was referred to as "Ghost"?

16 A. Yes.

17 Q. And Ghost's role was a liaison between Mississippi and
18 who?

19 A. California.

20 Q. Okay. What's Frankie Owens' street name?

21 A. "State Raised."

22 Q. What's an Android, Mr. Hubanks?

23 A. It's a smartphone.

24 Q. What's an ABM roster?

25 A. It's a roster from each facility or area detailing what

1 brothers is in that area.

2 Q. And what is the Walnut Grove facility?

3 A. It's a correctional facility.

4 Q. Okay. Who's "Schitzo"?

5 A. Joseph Gardner.

6 Q. And what was Schitzo to do to Preston Godwin?

7 A. Stab him.

8 MR. LEARY: Call No. 233, please.

9 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

10 BY MR. LEARY:

11 Q. Right now you've heard, what, three individuals speak;

12 yourself and who else?

13 A. Perry Mask and Frank Owens.

14 Q. Okay.

15 MR. LEARY: Continue, please.

16 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

17 BY MR. LEARY:

18 Q. Now, who just said that the ABs need to set up a call with

19 Rich?

20 A. That was Frank.

21 Q. Okay.

22 MR. LEARY: Continue, please.

23 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

24 BY MR. LEARY:

25 Q. Mr. Hubanks, tell the ladies and gentlemen of the jury

1 what the topic of the discussion is right now.

2 A. Talking about the unification process, talking about a
3 conversation with California; we're having trouble with them
4 and with Ghost concerning the probationary period. We had to
5 be on probation before our unification would be complete.

6 Q. Okay. Who's going to be on probation?

7 A. The brotherhood of Mississippi would have been on
8 probation for a probationary period until California was
9 satisfied that we met their requirements for us to be unified.

10 Q. How's that going on?

11 A. It's no longer, as far as I -- well, I don't know. I've
12 not be in any contact in two years, so.

13 Q. Were the spokes angry at the time when that was proposed?

14 A. Yes, sir.

15 Q. Okay.

16 MR. LEARY: Continue.

17 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

18 BY MR. LEARY:

19 Q. Reference to treasury right there is reference to what
20 treasury, Mr. Hubanks?

21 A. Brotherhood treasury.

22 Q. Okay. Thank you.

23 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

24 BY MR. LEARY:

25 Q. What smash is Frankie Owens talking about right there?

1 A. Oh, I'm not sure.

2 Q. Okay. Thank you.

3 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

4 BY MR. LEARY:

5 Q. What's Frankie Owens talking about right there?

6 A. We're just talking about Grady. Somebody can't get him on
7 the phone to collect his money, much less run the state.

8 Q. Okay. Is Grady another Aryan Brotherhood member?

9 A. Yes, sir.

10 Q. Thank you.

11 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

12 BY MR. LEARY:

13 Q. When Frankie Owens talks about we're promoting making
14 money and handling business, what's he talking about?

15 A. He's talking about his way of a brother not being a junkie
16 strung out on dope.

17 Q. Okay. How's he making money?

18 A. By selling drugs.

19 Q. Okay.

20 MR. LEARY: Keep going.

21 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

22 BY MR. LEARY:

23 Q. Who's talking? Who is Pugh?

24 A. Mike Pugh.

25 Q. And what is his position within the organization?

1 A. He was captain at the time.

2 Q. Okay.

3 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

4 BY MR. LEARY:

5 Q. What are you and Mask talking about right there?

6 A. Field operations officer.

7 Q. Who's mama --

8 A. Mama Carson. She's one of the field operation officers.

9 Q. At what facility?

10 A. Parchman.

11 Q. Had you previously been there?

12 A. Yeah. Works in the field like a supervisor.

13 Q. And you knew her?

14 A. Yeah.

15 Q. And, now, who's working with her?

16 A. Perry.

17 Q. Okay. So y'all just talking about it?

18 A. Yeah.

19 Q. Okay.

20 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

21 BY MR. LEARY:

22 Q. Now, when you reference Android right there, Mr. Hubanks,
23 what are you referencing?

24 A. A smartphone.

25 Q. And, when you're talking about putting money on a card,

1 what are you referencing right there?

2 A. A Green Dot card.

3 Q. Who's Ed Moody?

4 A. He was a brother.

5 Q. Okay.

6 MR. LEARY: Continue, please.

7 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

8 BY MR. LEARY:

9 Q. Mr. Hubanks, why are you discussing being able to track
10 people's phone numbers and addresses and those type things?

11 A. Well, we're talking about Ghost and Rich, not knowing who
12 they are; and saying they're somebody, and they really ain't.
13 And, when something comes up like that, we can look and see if
14 that's who they are.

15 Q. Okay. Thank you.

16 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

17 BY MR. LEARY:

18 Q. Are y'all able to do this type stuff you're talking about
19 from contraband prison phones?

20 A. Yeah.

21 Q. Okay.

22 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

23 BY MR. LEARY:

24 Q. What's Perry -- Frank Owens talking about, doing an update
25 on the rosters in the facilities?

1 A. Getting an update on all the rosters in all the
2 facilities.

3 Q. And the rosters include names of who?

4 A. All the brothers at each facility.

5 Q. Thank you.

6 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

7 BY MR. LEARY:

8 Q. Mr. Hubanks, what's E2 or E building?

9 A. That's a building at Greene County.

10 Q. Within the prison?

11 A. Yes, sir.

12 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

13 BY MR. LEARY:

14 Q. Mr. Hubanks, you ever heard the name Mitchell Valentine?

15 A. Yes, sir.

16 Q. Who's Mitchell Valentine?

17 A. He's a brother.

18 Q. Where is he located?

19 A. Now?

20 Q. Yeah -- or before.

21 A. I met him at Greene County.

22 Q. Okay. Is that in north Mississippi or south Mississippi?

23 A. South Mississippi Correctional Facility.

24 Q. Okay.

25 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

1 BY MR. LEARY:

2 Q. What are you talking about right now, Mr. Hubanks?

3 A. Talking about they had took Schitzo's phone at Rankin
4 County.

5 Q. Okay.

6 A. And he was trying to get the brothers across the hall to
7 come over there with him.

8 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

9 BY MR. LEARY:

10 Q. When Schitzo asked if he's the business, what does that
11 mean?

12 A. That means is he marked and is he going to be smashed out.

13 Q. And, if you're smashed out, you lose your what?

14 A. Your brand.

15 Q. But he also asked -- is he asking to stay in, though?

16 A. Yeah.

17 Q. What's that about?

18 A. He's asking, if he's a mark, then he wants to get it over
19 with; but, if he can, can he redeem himself and prove himself
20 to keep his patch.

21 Q. Okay. So Schitzo wants to redeem himself so he can do
22 what?

23 A. Keep his patch.

24 Q. Okay. Thank you.

25 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

1 BY MR. LEARY:

2 Q. When you said "There's some work to be done in Walnut
3 Grove," what is that work to be done?

4 A. Well, you had a couple of marks down there at the time.
5 You had Preston Goodwin and Scotty Bowling both were down
6 there, and they were both marks.

7 Q. And marks mean what?

8 A. They're marked to be smashed out.

9 Q. And Schitzo could redeem himself by doing what?

10 A. By handling the business and smashing them out.

11 Q. Okay.

12 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

13 BY MR. LEARY:

14 Q. Mr. Hubanks, when you say "Do you think he'll push that
15 thing," what are you referring to?

16 A. Talking about stabbing him.

17 MR. LEARY: All right. Keep going.

18 (EXHIBIT NOS. G-6A AND G-6B PLAYING)

19 BY MR. LEARY:

20 Q. Now, Mr. Hubanks, where was Schitzo located?

21 A. Walnut Grove Correctional Facility.

22 Q. Where was Preston Godwin located?

23 A. Walnut Grove Correctional Facility.

24 Q. What's a thunder dome?

25 A. It's a -- we go with three brothers for 3 to 5 minutes.

1 Q. Three brothers -- is it one versus three? Is that what
2 you mean?

3 A. (Nodding head).

4 Q. Thunder dome, that's a heightened form of what?

5 A. Violation.

6 Q. Okay. Now, who is Ricky Jenkins?

7 A. "Scissorhands."

8 Q. And who did Ricky Jenkins stab?

9 A. Jeremy Bailey.

10 Q. Okay. Now, tell the ladies and gentlemen of the jury what
11 an RVR is.

12 A. It's a rule violation report. If you get in any trouble
13 in the Department of Corrections, they write you an RVR, which
14 is a rule violation report.

15 Q. How do you accumulate points on an RVR?

16 A. Depends on whether it's a serious RVR or a major RVR.
17 Some of them carry one point; some carry three; some carries
18 four. It just depends on the classification of the RVR.

19 Q. Okay. If an incident resulted in 11 RVR points, would
20 that be a small incident or be a significant incident?

21 A. It would be a major RVR.

22 Q. Was a new brand going to be required if unification was
23 successful?

24 A. Yes, sir.

25 Q. Who's "Turbo"? Do you know who "Turbo" is?

1 A. I know who he is, but I don't know him.

2 Q. You never met him?

3 A. No, sir.

4 Q. What's the name of the person whose street name was Turbo?

5 A. Jake Stutsy.

6 Q. What's a lockbox?

7 A. It's a PO box used for communication.

8 MR. LEARY: Your Honor, at this time, the Government
9 would move to play Call No. 235, which was entered into
10 evidence as Government's Exhibit 7A.

11 THE COURT: Okay. Do you have a transcript, 7-B?

12 MR. LEARY: Yes, Your Honor, we do.

13 THE COURT: Okay. Now, ladies and gentlemen of the
14 jury, rather than read the cautionary instruction to you again,
15 I remind you that the evidence that you are to consider is the
16 tape, what you hear on the tape. These transcripts have been
17 prepared to assist you in listening to the tape. The primary
18 evidence is the tape.

19 Okay. You may proceed.

20 MR. LEARY: Thank you, Your Honor.

21 MR. SUMRALL: Your Honor, for the record, we would
22 note --

23 THE COURT: Yes, sir. The continuing objection's
24 noted.

25 MR. LEARY: Call No. 235.

1 THE COURT: I might state here, in light of that
2 objection, the Court notes on that Exhibit 6 that Mr. Owens,
3 the defendant in this case, was one of the principle speakers.

4 Okay. You may proceed, Mr. Leary.

5 MR. LEARY: Thank you, Your Honor. Call No. 235,
6 Government's Exhibit 7A.

7 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

8 BY MR. LEARY:

9 Q. So, again, on this call, we're bringing up, again, Schitzo
10 and the potential smash on who?

11 A. Preston.

12 Q. Okay. Thank you.

13 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

14 BY MR. LEARY:

15 Q. What does Frankie Owens mean when he says that "he knows
16 that he is the business too"?

17 A. Means Preston already knows that he's been marked to be
18 smashed.

19 Q. Okay. That's what "he's the business" means?

20 A. Yes.

21 Q. Thank you.

22 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

23 BY MR. LEARY:

24 Q. How are you looking up how much time Schitzo has right
25 there?

1 A. On the internet on MDOC.com.

2 Q. You're doing that on your --

3 A. Yeah. On the Android.

4 Q. Okay.

5 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

6 BY MR. LEARY:

7 Q. When Frankie Owens says he's not even going to be able to
8 get to Preston, what does that mean?

9 A. Talking about him being on PC; that they'd lock the cells
10 so they can't come out, can't get to him no way.

11 Q. And, if you can't get to him, that means you can't do what
12 to him?

13 A. You can't get to him to handle him, to smash him, stab
14 him.

15 Q. Okay. Thank you.

16 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

17 BY MR. LEARY:

18 Q. When Frankie Owens says "You get back there, and GD push
19 that steel on him; I guess that would redeem him," what does
20 that mean?

21 A. That means, if he does it, he can keep his patch.

22 Q. Who are we talking about right there?

23 A. Schitzo.

24 Q. And who made that statement?

25 A. Frankie.

1 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

2 BY MR. LEARY:

3 Q. When Perry Mask says "I don't see him pushing no steel; he
4 may take a lock there," what is he referring to?

5 A. Getting him a lock.

6 Q. Where do they put a lock, if you're going to hit somebody
7 with a lock?

8 A. Tie it on a sock or string or something.

9 Q. Okay.

10 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

11 BY MR. LEARY:

12 Q. Right there, you're identifying the location of who?

13 A. Preston.

14 Q. Okay. Thank you.

15 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

16 BY MR. LEARY:

17 Q. When Frankie Owens is referencing sending two brothers in
18 on him for -- three brothers in on him for two minutes, what's
19 that referencing?

20 A. Being thunder domed.

21 Q. Okay.

22 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

23 BY MR. LEARY:

24 Q. Now, we referenced "Scissorhands" previously. What's his
25 name?

1 A. Ricky Jenkins.

2 Q. And "Scissorhands" stabbed who?

3 A. Jeremy Bailey.

4 Q. Okay.

5 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

6 BY MR. LEARY:

7 Q. Now, 11 points on the RVR we previously discussed, is that
8 a lot or a little bit of RVR points?

9 A. That's the most you can get.

10 Q. Okay.

11 MR. LEARY: Keep talking. Thank you.

12 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

13 BY MR. LEARY:

14 Q. What are you talking about there? Why did Scissorhands,
15 or Ricky Jenkins, get 11 RVR points?

16 A. It's an assaultive RVR.

17 Q. Who did he assault?

18 A. Bailey, Jeremy Bailey.

19 Q. Thank you.

20 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

21 BY MR. LEARY:

22 Q. Mr. Hubanks, why are they talking about Danny Hardin's
23 brand?

24 A. Because he was not supposed to be screaming anymore.

25 After he got released from Marshall County, he sent me an

1 e-mail saying he was covering up.

2 Q. And what's Frankie Owens talking about when his iron cross
3 is inside the box?

4 A. Saying -- tell me to zoom in on it and know for sure,
5 because his iron cross on the inside of his patch was messed
6 up; it wasn't right.

7 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

8 BY MR. LEARY:

9 Q. Tim Boyles talking about "Country." Who's "Country"?

10 A. Danny Hardin.

11 Q. And who's Danny Hardin's wife?

12 A. Angie.

13 Q. Angie Hardin?

14 A. (Nodding head).

15 Q. Okay. Thank you.

16 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

17 BY MR. LEARY:

18 Q. Why is Frankie Owens concerned about Turbo?

19 A. Because, at this time, we had reason to believe that Turbo
20 was in federal custody and was working with the Feds.

21 Q. Did Turbo end up working with the Feds?

22 A. Yes.

23 Q. Did that cause y'all concern?

24 A. Yes, sir.

25 Q. Thank you.

1 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

2 BY MR. LEARY:

3 Q. Do you know who Tony Bone is?

4 A. I don't know his reel name. I just know him as Tony Bone.

5 Q. Is he an AB member?

6 A. Yes, sir.

7 Q. Who is "Bama"?

8 A. It's Bernard Brown.

9 Q. And what's his rank?

10 A. He's a captain.

11 Q. Within what organization?

12 A. The brotherhood.

13 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

14 BY MR. LEARY:

15 Q. All right. Now, when Frankie Owens says, "I'm going to

16 shut it down; they're coming in to count," what does that mean?

17 A. They coming through doing a security count, security

18 check, head count.

19 Q. In the prison?

20 A. Yeah.

21 Q. Okay.

22 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

23 BY MR. LEARY:

24 Q. What's Frankie Owens' street name?

25 A. "State Raised."

1 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

2 BY MR. LEARY:

3 Q. What are you referring to about prospects getting
4 blackballed?

5 A. That's whenever they get blackballed by another member.
6 They can no longer prospect.

7 Q. How many members does it take to blackball a prospect?

8 A. One.

9 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

10 BY MR. LEARY:

11 Q. Mr. Hubanks, when Mr. Owens is talking about sending a
12 background to a lockbox so that "Toot" can do a background on
13 them, what is going on there?

14 A. It'd just be the same sort of thing, just checking them
15 out and their prospect compact and their questionnaire.

16 Q. Who's checking them out?

17 A. Be "Toot" or -- you know, if I ain't doing it, if you send
18 it to the lockbox, that's something for them to put on record.

19 Q. Is that in the free world or --

20 A. Yeah.

21 Q. And Toot's in the free world or incarcerated?

22 A. Free world.

23 Q. Okay.

24 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

25 BY MR. LEARY:

1 Q. Now, when Frankie asked, "Are you supposed to get back up
2 with Rich, or is he going to get back with you -- now you're
3 talking back about what there?

4 A. California.

5 Q. Okay.

6 (EXHIBIT NOS. G-7A AND G-7B PLAYING)

7 THE COURT: Okay. Does that conclude the playing of
8 that tape, Mr. Leary?

9 MR. LEARY: Yes, Your Honor, it does.

10 THE COURT: Okay. Ladies and gentlemen of the jury,
11 we're going to take a mid-afternoon recess. The Court will be
12 in recess until 20 minutes past three. Okay. The Court's in
13 recess.

14 (JURY OUT AT 3:00 p.m.)

15 (Recess at 3:01 p.m. until 3:18 p.m.)

16 (JURY IN AT 3:18 p.m.)

17 (CALL TO ORDER OF THE COURT)

18 THE COURT: Okay. You may proceed, Mr. Leary.

19 MR. LEARY: Thank you, Your Honor. At this time,
20 Your Honor, the Government would move to play Call 597,
21 previously entered into evidence as Government's Exhibit 9A; 9B
22 was marked for identification, Your Honor, that is the
23 transcript.

24 THE COURT: Okay. Ladies and gentlemen of the jury,
25 you recall my previous instruction to you relative to these

1 transcripts. The transcript is not evidence and is only an aid
2 to assist you in understanding the tape. The tape is the
3 evidence in the case.

4 Let me ask this witness one question. Mr. Hubanks, the
5 question was asked what position a man named P-u-g-h, Pugh?

6 THE WITNESS: Yes, sir.

7 THE COURT: What was your answer?

8 THE WITNESS: Captain.

9 THE COURT: Captain? Okay. I thought you said
10 chaplain; I was going to say he's not doing a very good job.

11 Okay. You may proceed, Mr. Leary.

12 MR. SUMRALL: Your Honor, for the record, a
13 continuing objection.

14 THE COURT: Sir?

15 MR. SUMRALL: For the record, a continuing objection.

16 THE COURT: Oh, yes, sir; on the admissibility of the
17 tapes, yes, sir.

18 MR. LEARY: Thank you, Your Honor.

19 THE COURT: You may proceed.

20 MR. LEARY: Call No. 597.

21 (EXHIBIT NOS. G-9A AND G-9B PLAYING)

22 BY MR. LEARY:

23 Q. Mr. Owens just said, "I tell you what you do, you put one
24 of them yonkers in that fucking prospect's hand and tell --
25 tell him to go do that motherfucker. What does that mean?

1 A. That's meaning to go stab him, I'm assuming.

2 Q. Okay. Thank you.

3 (EXHIBIT NOS. G-9A AND G-9B PLAYING)

4 BY MR. LEARY:

5 Q. Where was Jeremy Bailey stabbed?

6 A. I believe in church.

7 Q. Thank you.

8 (EXHIBIT NOS. G-9A AND G-9B PLAYING)

9 BY MR. LEARY:

10 Q. What are we talking about, "Uh, I fucked some shit up when
11 I did that, man; you know, I apologize"?

12 A. He's talking about when the incident occurred with Bailey.

13 MR. LEARY: Keep talking.

14 (EXHIBIT NOS. G-9A AND G-9B PLAYING)

15 BY MR. LEARY:

16 Q. Okay. The subject just got changed to calling up Rich
17 man. What's Frankie mean when he's telling him to call up Rich
18 man?

19 A. He's talking about Rich. Set up a call with Rich man.

20 Q. And that call concerns what?

21 A. California unification.

22 Q. Thank you.

23 (EXHIBIT NOS. G-9A AND G-9B PLAYING)

24 BY MR. LEARY:

25 Q. The end of the call, Mr. Hubanks, "All right. Bruder,

1 Sinn Fein." What does that mean?

2 A. What, Sinn Fein?

3 Q. Yeah. "All right, Bruder." What does that -- what's that
4 term? What --

5 A. I'm just saying all right. He said "Talk to you tomorrow,
6 Bruder," means brother.

7 Q. Okay. Sinn Fein, is that just --

8 A. Ourselves.

9 MR. LEARY: Your Honor, may I briefly talk to my
10 co-counsel?

11 THE COURT: Yes.

12 MR. LEARY: No further questions, Your Honor.

13 THE COURT: Very well.

14 Okay. Mr. Sumrall, on behalf of Defendant Owens, you may
15 cross-examine this witness.

16 MR. SUMRALL: Please the Court.

17 CROSS-EXAMINATION

18 BY MR. SUMRALL:

19 Q. Mr. Hubanks, I believe you said you joined the Aryan
20 Brotherhood in 2005; is that correct?

21 A. Yes.

22 Q. Who were the wheel members in 2005?

23 A. I guess, at that present time, would have been --
24 probably -- I actually prospected in '05 and become a brother
25 in '06. And then, in 2006, it would have been Chris Parker,

1 Steve May, which is Mackie May; and I'm not sure about the
2 third spoke, if it was "Hobo" or who it was at the time.

3 Q. Okay. And how long did they remain as wheel members?

4 A. I have no idea.

5 Q. Okay. When did anybody else -- when was the next time you
6 knew a new wheel member became a wheel member?

7 A. In 2009 when I was communicating with Barron Goff and
8 Larry Sneed, Mackie May, Chris Craft.

9 Q. Okay. Were they all wheel members at this time?

10 A. 2009, it was -- it was Steve May, Barron Goff, and --
11 Steve May, Barron Goff; and I'm not sure who the sixth was at
12 the time. There was somebody named Mack that was at green -- I
13 mean, at Meridian with Barron at one point in time. And I'm
14 not exactly sure when Creel come on. It would have been
15 sometime in 2010 when the fourth wheel member come on.

16 Q. Now, Brandon Creel, you say he came on in 2010?

17 A. I'm going to say somewhere around 2010, yes.

18 Q. Okay. So, in 2009, it was Barron Goff and Steve May?

19 A. And I'm not sure who the third one was.

20 Q. And what was your position at this time?

21 A. I was just a brother.

22 Q. Just a brother. When did you become a captain?

23 A. In January 2013.

24 Q. Well, isn't it a fact that when you first went to Marshall
25 County that you became a captain of the Marshall County

1 facility?

2 A. No, sir.

3 Q. When did you first get to Marshall County?

4 A. I got to Marshall County in 2003.

5 Q. Okay. And you became a brother in 2006, right?

6 A. Right.

7 Q. And how long after that was it before you became captain
8 of Marshall County?

9 A. I was OIC of Marshall County.

10 Q. OIC, what is that?

11 A. I didn't have the requirements to hold a captain's
12 position.

13 Q. What requirement is that?

14 A. You have to have an R-E-C -- be a brother with the -- you
15 had to be a brother for at least 5 years and have a recruiter's
16 patch.

17 Q. Okay. And did you have a recruiter's patch?

18 A. Yes, sir.

19 Q. So what was the OIC; what does that mean?

20 A. Just officer in charge.

21 Q. Officer in charge. So you were the officer in charge of
22 the facility at Marshall County?

23 A. Yes.

24 Q. Okay. Who was over you in the Marshall County facility?

25 A. The state captain and the wheel.

1 Q. Okay. Who was the state captain at that time?

2 A. George Hunt.

3 Q. And who were the wheels at that time?

4 A. Barron Goff and Mackie May. I'm not sure who the other
5 one was.

6 Q. Okay. Could it have been Brandon Creel?

7 A. I don't think Creel came on until around 2010.

8 Q. I believe you said, also, there was a Nelson?

9 A. A Nelson? No.

10 Q. Excuse me. Not Nelson. Larry Sneed?

11 A. Yes. He became state captain in 2010.

12 Q. Okay. Where was he housed?

13 A. At the time he become state captain, I think he was housed
14 in the Carroll County Correctional Facility in Carrollton,
15 Mississippi.

16 Q. Okay. And when did he become a wheel?

17 A. Sometime in late 2010, beginning of 2011. I was at Unit
18 29 from May of 2011 until September, October of 2012. I didn't
19 have any communication.

20 Q. Okay.

21 A. I was on C-custody.

22 Q. When did Chris May become a wheel?

23 A. Mackie May's been a wheel on and off for years. It's
24 Mackie May, not Chris.

25 Q. Okay. Mackie May. And you say he's on and off as a

1 wheel?

2 A. (Nodding head).

3 Q. Now, isn't it a fact that to be a captain, a state
4 captain, an area captain, or a wheel, that you have to be a
5 thunder warrior?

6 A. No.

7 Q. It is not?

8 A. No.

9 Q. Does it not say that in your credos?

10 A. Not to be an area captain or an OIC, it doesn't.

11 Q. How about a state captain?

12 A. All those positions are appointed by the wheel.

13 Q. How about a state captain?

14 A. State captain, yes.

15 Q. And how about a facility captain?

16 A. No.

17 Q. Are you a thunder warrior?

18 A. No.

19 Q. You're not?

20 A. No.

21 Q. You have the SS marks, don't you?

22 A. No.

23 Q. You do not?

24 A. No.

25 Q. You're denying that you have the SS marks?

- 1 A. I have no bolts.
- 2 Q. Did you ever have any bolts?
- 3 A. Yes, I've had bolts --
- 4 Q. Okay. So you, at one time were --
- 5 A. -- but not thunder-warrior bolts.
- 6 Q. You were a thunder warrior at one time?
- 7 A. No.
- 8 Q. You had the bolts. How did you get the bolts without
- 9 being a thunder warrior?
- 10 A. They're not on my neck. That's thunder-warrior bolts.
- 11 See, do you see any markings on my neck, sir?
- 12 Q. They're on your chest; are they not?
- 13 A. No, they're not, sir.
- 14 Q. Have you removed them?
- 15 A. Yes, I removed them. There were some on the back of my
- 16 neck and the back of my arm too.
- 17 Q. Okay. So they were on your neck.
- 18 A. But they weren't thunder-warrior bolts.
- 19 Q. Well, what kind of bolts were they?
- 20 A. They were bolts, lightening bolts, white power.
- 21 Q. White power. Now, you told this Court, when you first
- 22 took the stand, that at the time in 2013 -- that you and Mask
- 23 were in control of north Mississippi; isn't that correct?
- 24 A. Say what, now?
- 25 Q. Were controlling north Mississippi. I believe that was

1 your statement.

2 A. No. I said my duties as a wheel consisted of dealing with
3 the northern part of the state in the correctional facilities.

4 Q. Okay.

5 A. I was only a wheel member for two months, from September
6 the 23rd until we were locked down November the 18th.

7 Q. Okay. And the only reason you lost that was because you
8 were locked down, correct?

9 A. Yeah. And because I came up here and agreed to cooperate
10 with the Government.

11 Q. Now, you did that to help yourself; did you not?

12 A. Yes, sir, I did.

13 Q. Okay.

14 A. To correct a mistake that I made long ago.

15 Q. And, at that time when you did that, you swore that your
16 statement was true; did you not?

17 A. Yes, sir, I did.

18 Q. And you took an oath; did you not?

19 A. Yes, sir.

20 Q. Okay. And is that the same kind of oath that you took
21 when you joined the Aryan Brotherhood?

22 A. Yes, sir.

23 Q. So your oath can mean anything you want it to, can't it?

24 A. My oath now is I'm on the stand today standing on the
25 truth; I'm not living a lie any longer.

1 Q. Well, what did your oath mean when you joined the Aryan
2 Brotherhood?

3 A. It was a lie.

4 Q. Nothing?

5 A. It was a mistake that I made, and that's why I'm here
6 today. I'm trying to correct a mistake that I made that's cost
7 me my family and my life.

8 Q. And you'll do anything you can to help yourself, won't
9 you?

10 A. I'm going to stand against the evil for which it stands
11 for.

12 Q. Which you were a part of; is that not correct?

13 A. Yes, sir. I admit my responsibility.

14 Q. Now, I believe you stated earlier that you've got three
15 prior convictions? Is that correct?

16 A. Yes, sir.

17 Q. And you have pled guilty to this charge; have you not?

18 A. Yes, sir.

19 Q. Now, you've also entered into an agreement with the
20 Government; is that right?

21 A. Yes, sir.

22 Q. And they're going to do what's called a 5K1 motion for
23 downward departure, are they not, as part of the agreement?

24 A. Yes, sir. If the Judge agrees to it.

25 Q. But they're going to make that motion; are they not?

1 A. Yes.

2 Q. And you've agreed to that to help yourself, right?

3 A. Yes, sir.

4 Q. And, also, there's a possibility for a Rule 35 for any
5 future help that you might give them. Is that correct, also?

6 A. I guess, if that's the way it works.

7 Q. Okay. And I believe you stated that the Government agreed
8 to cap --

9 A. Twenty years.

10 Q. -- your -- to 20 years. Now, let me ask you something, if
11 you would, break down this. You've got three spokes; is that
12 correct?

13 A. Yes, sir.

14 Q. They're over everything, right?

15 A. (Nodding head).

16 Q. Then you have the northern captain; is that correct?

17 A. (Nodding head).

18 Q. And that's what you were when you were in Alcorn County?

19 A. No. I was state captain.

20 Q. You were state captain. Oh, you were over a whole state?

21 A. Yes.

22 Q. So it goes from the wheels to the state captain?

23 A. To just area captains and lieutenants.

24 Q. Just area captains. Okay?

25 A. Yes.

1 Q. All right. And you were a state captain what time?

2 A. From January the 23rd, 2013, until I become a wheel
3 September 2013.

4 Q. Okay. Now, I believe you told this Court and the jury
5 that orders came down from the wheels; is that correct?

6 A. Yes, sir.

7 Q. And everybody had to obey those orders?

8 A. Yes, sir.

9 Q. And that only wheels could order SOS's or KOS's; is that
10 correct?

11 A. Yes.

12 Q. And that would come from the wheels to the state
13 captain --

14 A. On down.

15 Q. -- on down. And everybody was bound to follow those
16 orders --

17 A. Yes.

18 Q. -- or they would be smashed out or disciplined?

19 A. Yes.

20 Q. Now, did you, while you were a wheel or a state captain,
21 ever pass down any KOS's?

22 A. KOS? No.

23 Q. Did you ever pass down any SOS's, smash on sight?

24 A. Yes.

25 Q. How many times?

- 1 A. At least one time.
- 2 Q. And where was that?
- 3 A. That was involving Preston Goodwin.
- 4 Q. Preston Goodwin. What about the time about Bailey?
- 5 A. What about Bailey?
- 6 Q. Didn't you issue an SOS on him?
- 7 A. No. I was state captain.
- 8 Q. All right. As a state captain -- I asked you did you ever
- 9 pass one down?
- 10 A. No. I didn't pass an order. The wheel --
- 11 Q. Was there originally an order for an SOS?
- 12 A. No. The only order I was involved in was the order
- 13 pertaining to Preston Goodwin.
- 14 Q. Okay. Well, what did you tell the jury about the SOS on
- 15 Jeremy Bailey?
- 16 A. What did I tell them about him?
- 17 Q. Yes.
- 18 A. I said I was on the phone when they voted on it, and then
- 19 I went back and talked to Perry and Barron about it again; and
- 20 they changed the order. And then the night of the order,
- 21 Frankie told Scissorhands to stab him to earn his bolts.
- 22 Q. But you were part of the SOS originally; were you not?
- 23 A. As a state captain, I could not issue an SOS.
- 24 Q. I understand, but you were part of that conversation; were
- 25 you not?

1 A. Yes, I was part of the conversation. I never denied that.

2 Q. Now, when you joined the Aryan Brotherhood, part of what
3 you did was give them an oath of a code of silence; did you
4 not?

5 A. Yes, sir.

6 Q. And you've broken that, haven't you?

7 A. Yes, sir.

8 Q. What other marks do you have on your body signifying that
9 you were a member of the Aryan Brotherhood?

10 A. None anymore.

11 Q. What marks did you have at one time?

12 A. I had my patch and my R-E-C and some bolts, and that was
13 it.

14 Q. What is the R-E-C?

15 A. The recruiter's patch.

16 Q. Would you describe that to us?

17 A. It was like a swastika with flames on the end of it.

18 Q. Okay. Now, Mr. Hubanks, have you ever been addicted to
19 drugs?

20 A. Yes, sir.

21 Q. Matter of fact, most of the times you've been incarcerated
22 you were on drugs; were you not?

23 A. Yes, sir.

24 Q. And, during the period of time from 2006/2007 all the way
25 up to 2013, you had a drug problem; did you not?

1 A. No, sir.

2 Q. No, sir?

3 A. I was in Bible college from 2006 to 2008. I earned two
4 degrees at Marshall County.

5 Q. When did you have your drug problem?

6 A. After I left the Bible college.

7 Q. So, from 2008 to 2013, you had a drug problem?

8 A. Yeah. Smoking marijuana, yeah.

9 Q. And other drugs also, didn't you?

10 A. No, not at that time.

11 Q. Anytime during that period from 2008 to 2013?

12 A. Smoking marijuana.

13 Q. Now, you told the Court that people smuggled drugs in to
14 you; is that correct?

15 A. Of course.

16 Q. And was that other brothers?

17 A. Yes.

18 Q. Was that your wife also?

19 A. Yes.

20 Q. And, during the time of 2013, you were on drugs; were you
21 not?

22 A. Yes, sir.

23 Q. Now, you stated that the drugs were controlled by Perry
24 Mask; is that correct?

25 A. Yes, sir.

1 Q. Do you ever have any dealings with Frankie Owens in
2 regards to the drugs?

3 A. No, sir, I did not.

4 Q. I want to go back to Mr. Jeremy Bailey. You saw the text
5 messages that he sent out; did you not?

6 A. Yes, sir.

7 Q. Would you tell this jury what those text messages said.

8 A. I can't remember exactly word for word; but, in so many
9 words, Bailey was telling this young lady that once he was
10 released from prison and he got out that he was going to
11 sexually assault her and sodomize her in front of her
12 8-year-old daughter and make her watch. And then, when he got
13 through with her, he was going to do the same thing to her.

14 Q. To the daughter?

15 A. Yes, sir.

16 Q. And that upset everybody in the brotherhood; did it not?

17 A. Yes, sir.

18 Q. Including you?

19 A. Yes, sir.

20 Q. And, so, that's why there was a violation on him; is that
21 correct?

22 A. Yes.

23 Q. Now, you say you're no longer in the Aryan Brotherhood; is
24 that correct?

25 A. Yes, sir.

1 Q. Have you been bled out?

2 A. No, sir. I don't have a mark on me.

3 Q. But you removed them yourself, did not have them removed;
4 is that correct?

5 A. Right. Covered them up.

6 Q. This study guide that you introduced into evidence that
7 has been shown to the jury, did you draw that up?

8 A. Yes, sir, I did.

9 Q. Whose instructions was that for you to draw that up?

10 A. Frankie. I actually did that when I was state captain,
11 and I was told to do it for the whole state. That just
12 happened to be the one that I did for our facility.

13 Q. Okay.

14 MR. SUMRALL: Court's indulgence. If I can have a
15 second with my client, Your Honor. (Pause). No further
16 questions, Your Honor.

17 THE COURT: Okay.

18 Mr. Turner, on behalf of Defendant Parker, you may
19 cross-examine this witness.

20 CROSS-EXAMINATION

21 BY MR. TURNER:

22 Q. Mr. Hubanks, my name is Joshua Turner. Do you know Eric
23 Parker?

24 A. No, sir.

25 Q. Have you ever met him?

1 A. No, sir. Never heard his name until this indictment.

2 MR. TURNER: Your Honor, I don't have any further
3 questions.

4 THE COURT: Very well.

5 Any redirect, Mister --

6 MR. LEARY: Just one question, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. LEARY:

9 Q. Mr. Hubanks --

10 A. Yes, sir.

11 Q. -- is 20 years a long or short period of time?

12 A. It's a long time.

13 MR. LEARY: No further questions, Your Honor.

14 THE COURT: Okay. This witness is excused. You may
15 take him back into custody.

16 Okay. The Government may call your next witness.

17 MR. LEARY: Yes, Your Honor. The Government would
18 call Don Douglas to the stand.

19 THE COURT: Very well.

20 (OATH ADMINISTERED BY THE COURTROOM DEPUTY)

21 THE COURTROOM DEPUTY: Please a seat in the witness
22 stand and state your name for the record.

23 MR. TURNER: Your Honor, may we have a sidebar?

24 THE COURT: Yes.

25 MR. TURNER: Thank you.

1 (DISCUSSION AT SIDEBAR OUTSIDE THE HEARING OF THE JURY)

2 THE COURT: Mr. Turner had filed, this morning, a
3 series of several motions in limine, really, to exclude hearsay
4 statements made by any of these agents.

5 MR. LEARY: Yes, Your Honor.

6 THE COURT: And, of course, the Court's going to
7 exclude any hearsay.

8 MR. TURNER: I was just covering my bases, Your
9 Honor. And that's what I was wanting to take up. You
10 projected what I was going to say.

11 THE COURT: The Court's not going to make all
12 encompassing rulings in limine to try to anticipate all the
13 testimony that might be proffered, but I will exclude any
14 hearsay.

15 MR. TURNER: Thank you, Your Honor.

16 THE COURT: Okay.

17 (END OF DISCUSSION AT SIDEBAR OUT OF HEARING OF THE JURY)

18 DON DOUGLAS, GOVERNMENT'S WITNESS, SWORN

19 DIRECT EXAMINATION

20 BY MR. LEARY:

21 Q. Good afternoon, Mr. Douglas.

22 A. Good afternoon.

23 Q. Where are you currently employed?

24 A. I'm a special agent with the Drug Enforcement
25 Administration.

1 Q. And about how long have you been with the DEA?

2 A. This month will be 25 years.

3 Q. Where were you assigned in 2013?

4 A. I was assigned as an enforcement special agent here at the
5 Oxford Resident Office.

6 Q. And the Oxford Resident Office represents what district in
7 Mississippi?

8 A. It is the Northern District of Mississippi.

9 Q. In the Southern District of Mississippi, explain whether
10 or not they have their own separate RAC?

11 A. Yes, sir, they do.

12 Q. Okay. About what year, Mr. Douglas, did you come on with
13 the DEA?

14 A. That would be 1991.

15 Q. And, pursuant to your duties with the Drug Enforcement
16 Administration, have you received any specialized training
17 concerning narcotics investigations?

18 A. Yes, sir, I have.

19 Q. Just briefly review.

20 A. In '91, I graduated from the Drug Enforcement
21 Administration Academy in Quantico, Virginia. Before being
22 hired by DEA, I was a police officer in Senatobia, Mississippi.
23 I graduated from MLEOTA, Mississippi Law Enforcement Training
24 Academy.

25 After serving a couple of years in Senatobia, I got hired

1 by DEA; graduated from there; went to New Orleans. Throughout
2 my career, I've had multiple trainings. I've had asset
3 forfeiture training. I'm the evidence custodian, drug,
4 nondrug, high-valued seizures, recovered-money custodian here
5 at this office.

6 I've had methamphetamine training. I've had operation
7 jetway training. I've had combat shooting training, advanced
8 agent training. A myriad of trainings throughout -- Title III
9 training. It's a multitude of courses.

10 Q. About how many narcotics investigations do you think
11 you've worked on?

12 A. Since '91?

13 Q. Too many to count?

14 A. Yes, sir.

15 Q. Tell the ladies and gentlemen of the jury the size of this
16 particular investigation of the Aryan Brotherhood. Where would
17 it rank as far as significant investigations that you have
18 participated in, in the last 25 years?

19 A. I wouldn't say it was the largest number that I've done in
20 one indictment, but it is the most complex investigation that
21 I've worked.

22 Q. Now, this investigation is of an enterprise. What is that
23 enterprise?

24 A. That's the Aryan Brotherhood of Mississippi.

25 MR. TURNER: Objection, Your Honor. That calls for a

1 legal conclusion.

2 THE COURT: Overruled.

3 BY MR. LEARY:

4 Q. What enterprise were you investigating?

5 A. It's the Aryan Brotherhood of Mississippi.

6 Q. And this particular enterprise is engaged in what unlawful
7 activities?

8 A. They were involved with drugs, guns, money laundering,
9 assaults, and murder.

10 Q. Now, this indictment, this enterprise, the conspiracy in
11 this case, begins about what year?

12 A. Around 2009.

13 Q. And continues through?

14 A. 2013 is when we did the indictment, the Title III.

15 Q. So the evidence in this case encompasses the time period
16 from 2009 up through 2013?

17 A. Yes, sir.

18 Q. How many Title III investigations have you been involved
19 in, Mr. Douglas?

20 A. Over a hundred.

21 Q. And, by Title III, I'm referring to what?

22 A. That's an intercept, a wire intercept.

23 Q. Can DEA intercept someone's phone calls just if they
24 decide to do it?

25 A. No, sir.

1 Q. What must be obtained before a wire intercept can be
2 installed?

3 A. What we do is we petition the court; the U.S. Attorney
4 writes an application for an intercept. That application
5 identifies the phone number, the target, subject, a brief
6 synopsis; the agents prepare a Title III affidavit, along with
7 the U.S. Attorney.

8 That affidavit is more detailed. It goes anywhere from 50
9 to 100 pages. And you write the more detailed events that
10 happened that identify how the case began, what makes the phone
11 dirty, what makes the individual dirty. It identifies the
12 target interceptees. It identifies what we've done up to this
13 point, what we've tried, what's failed, so on.

14 We petition the Court with that. It goes through -- it's
15 a long process. It clears our office, goes to DC to the Office
16 of Enforcement Operations. They have a supervisor that reviews
17 it. They send it back for corrections. That might happen 2 or
18 3 times back and forth.

19 Q. And, ultimately, if the wire -- if the intercept's going
20 to be installed, who has to sign off on it?

21 A. The judge.

22 Q. Now, this particular enterprise under investigation in
23 this case was what?

24 A. The Aryan Brotherhood of Mississippi.

25 Q. Okay. Now, I want to step through the origin of this

1 investigation. Now, this particular investigation began about
2 when, Mr. Douglas?

3 A. Mid-2013.

4 Q. Okay. And this case originated through what type of
5 investigation?

6 A. A methamphetamine investigation.

7 Q. And, after a period of time, your investigation revealed
8 that at least part of it was being orchestrated from where?

9 A. Marshall County from prison.

10 Q. Was that unique or was that common place in your
11 experience as a narcotics investigator?

12 A. It was unique.

13 Q. Why is that?

14 A. We never done -- as far as I haven't. I've never done an
15 intercept inside a prison. Now, I've had prisoners, while I'm
16 on a Title III, call in to a phone, request a three-way or call
17 the person we're up on to find out what's going on in the
18 street or ask for money, but never had one -- a phone that was
19 actually inside the facility to go up on.

20 Q. Now, as this case proceeded, what law enforcement
21 agents -- agencies ultimately became involved in this
22 investigation?

23 A. It was the North Mississippi Narcotics unit, Mississippi
24 Bureau of Narcotics, Alcohol, Tobacco, and Firearms; the
25 Federal Bureau of Investigation. We used the United States

1 Marshals Service. A myriad of state and locals assisted with
2 us as well.

3 Q. Now, the ultimate goal of this investigation was to
4 dismantle what?

5 A. The Aryan Brotherhood.

6 Q. Has it been successful?

7 A. It has.

8 Q. Based on your investigation, the drug-trafficking
9 component of this investigation was orchestrated by which
10 spoke?

11 A. Perry Mask.

12 Q. And, through the course of your investigation, you learned
13 that Perry Mask was initially housed where?

14 A. Before we went up on the Title III, Perry Mask was housed
15 in the Marshall County Correctional Facility.

16 Q. And about when was he moved to Parchman State
17 Penitentiary?

18 A. He was moved after the stabbing of Jeremy Bailey, which I
19 believe occurred on August the 27th.

20 Q. And Marshall County Correctional Facility, is that
21 located -- in what county?

22 A. Marshall County.

23 Q. And Parchman's located in Sunflower?

24 A. Correct.

25 Q. Were methamphetamine transactions originating from those

1 institutions?

2 A. Yes.

3 MR. LEARY: Your Honor, at this time, the Government
4 would move that -- just the Court to recognize that Mr. Douglas
5 has identified Marshall County and Sunflower County as being
6 involved in this investigation -- as being the origins of the
7 criminal misconduct in this investigation.

8 BY MR. LEARY:

9 Q. Are they within the Northern District of Mississippi?

10 A. Yes, sir.

11 Q. Thank you.

12 THE COURT: Okay. The Court takes judicial notice
13 that Marshall County and Sunflower County are situated in the
14 Northern Federal Court District of Mississippi.

15 BY MR. LEARY:

16 Q. Explain the leadership of the Aryan Brotherhood when you
17 began the investigation in Marshall County, Alcorn County, and
18 Sunflower County in September of 2013.

19 A. In September of 2013, there was Perry Mask, who was a
20 wheel member; Frankie Owens, who was a wheel member; and
21 Stephen Hubanks, who had just recently taken the position from
22 Barron Goff.

23 Q. And this was what month?

24 A. September of 2013.

25 Q. Now, in September, Perry Mask had been moved to what

1 facility?

2 A. He had been moved to Parchman.

3 Q. Prior to being moved to Parchman, Perry Mask was located
4 in what facility?

5 A. Marshall County's.

6 Q. And who was located in Marshall County with Perry Mask?

7 A. Frankie Owens.

8 Q. During the course of your investigation, were any
9 undercover buys made?

10 A. We had controlled purchases.

11 Q. Yes. Pursuant to this investigation?

12 A. Yes.

13 Q. Explain how you became aware of the gun burglaries in this
14 particular case.

15 A. There was an individual stopped. I believe it happened on
16 August the 3rd, Christopher Jake Stutsky; they called him
17 Turbo. He was stopped in the Lee County area, was arrested.
18 His hotel room was searched where a weapon was found. That
19 weapon was later ran, discovered it had been stolen from an FFL
20 burglary.

21 Q. And did Christopher Stutsky cooperate with law
22 enforcement?

23 A. He did.

24 Q. And, thereafter, law enforcement was able to determine
25 that the guns that were stolen from the FFLs, or Federal

1 Firearms Licensees, were trafficked thereafter by members of
2 what organization?

3 A. The Aryan Brotherhood of Mississippi.

4 Q. What two pawnshops were robbed during -- in April of
5 2013 -- I mean -- I'm sorry -- August?

6 A. That would have been -- the first one was in Corinth,
7 Barry's Trading Post. The other was in Coldwater at a
8 pawnshop.

9 Q. About how many guns are we talking about here?

10 A. The one out of Corinth, I believe there were eight
11 weapons, long rifles and pistols. I believe the one in
12 Coldwater was over 30, shotguns, pistols, rifles.

13 Q. After the gun burglaries were identified, were search
14 warrants conducted?

15 A. Yes, sir, they were.

16 Q. And, Mr. Douglas, where were these search warrants
17 conducted?

18 A. With the information we received, we were able to identify
19 who assisted in the burglaries of those two locations. We were
20 able to obtain federal search warrants on them. One was
21 "Tennessee," Timothy Deshazier's residence. That was where the
22 weapons went to after the burglaries.

23 We had David "Leprechaun" Willis, who assisted in one of
24 the burglaries. You have Stephen "Stevo" Williams, who
25 assisted in the burglaries. Those three residences of those

1 three individuals were searched.

2 Q. Now, in this particular case, David Willis -- what was his
3 rank in the Aryan Brotherhood?

4 A. He was the free world northern region captain.

5 Q. The free world northern region captain?

6 A. Yes, sir.

7 Q. And his street name was?

8 A. Leprechaun.

9 Q. And about when was the search warrant conducted on his
10 residence?

11 A. I believe that was on August the 12th.

12 Q. Were you present at the search warrant?

13 A. Yes, sir, I was.

14 Q. Were items seized from David Willis's residence?

15 A. Yes, there was.

16 THE COURT: August 12th of what year?

17 THE WITNESS: 2013, sir.

18 THE COURT: Very well.

19 BY MR. LEARY:

20 Q. Those items that were seized from his residence, did they
21 pertain to the Aryan Brotherhood?

22 A. Yes, sir, they did.

23 Q. Based on your investigation of this case, the Aryan
24 Brotherhood encompasses what parts of the state of Mississippi?

25 A. The free world has a northern region, a central region,

1 and a southern region.

2 Q. And, at the time of this search warrant, who was the free
3 world captain for the northern region?

4 A. That was David Willis, Leprechaun.

5 Q. During the -- during your search warrant of David Willis's
6 house, what type documents were seized from his house?

7 A. There was a safe that contained multiple Aryan Brotherhood
8 of Mississippi documents. It had constitutions; it had a
9 ledger. It had northern region members with phone numbers. It
10 had the wheels identified. There were Green Dot cards.

11 Q. Would you please identify the document that I've just
12 handed you.

13 A. (Perusing document). This is one of the constitutions
14 that was taken from his residence.

15 Q. Now, the top document is an original. I want you to look
16 to the attached document and tell me whether or not the
17 attached document is identical to the original that was seized
18 from his residence?

19 A. (Perusing document). Yes, sir, it is.

20 Q. Thank you.

21 MR. LEARY: Your Honor, at this time, the Government
22 would move to have the constitution seized from the northern
23 area captain, David Willis's, house entered into evidence as
24 the next numbered Government exhibit.

25 MR. TURNER: Your Honor, I'm going to object, again,

1 for relevance; just, we've already gotten one of these in. I
2 could understand if he's trying to introduce something against
3 my client that had his name on it; but, at this time, I don't
4 understand why it's relevant.

5 MR. SUMRALL: Your Honor, we'd object on the
6 authenticity of it. There's no signatures or anything on it,
7 and we object to it on that basis.

8 THE COURT: Okay. Well, you ladies and gentlemen of
9 the jury have heard the testimony where this document came
10 from. Again, given the parameters of Count 1 of the indictment
11 in this cause, the conspiracy count, the court is of the
12 opinion that it is in fact relevant; and the objections are
13 overruled.

14 MR. LEARY: Thank you, Your Honor.

15 THE COURTROOM DEPUTY: The next number is 22.

16 MR. LEARY: Your Honor, we have marked this evidence
17 as cumulative Exhibit No. 22. It contains the original
18 constitution seized, as well as a copy thereof.

19 THE COURT: What do you need a copy for?

20 MR. LEARY: When I read it out to the jury later on,
21 I have to follow the Bates-stamp numbers as they were produced;
22 and it's the only way --

23 THE COURT: Very well. Very well. The document --
24 Government's Exhibit 22 is admitted into evidence.

25 (EXHIBIT NO. G-22 WAS RECEIVED INTO EVIDENCE)

1 BY MR. LEARY:

2 Q. Now, Mr. Douglas, will you please identify the documents
3 that I just handed you here.

4 A. (Perusing document). Yes, sir. This is an e-mail that
5 had the constitution attached to it.

6 Q. Okay. And would you please look at the constitution and
7 compare the copy of it with the original?

8 A. Yes, sir, it's the same.

9 Q. And where was this -- where were these documents seized
10 from in David Willis's house?

11 A. The safe.

12 Q. The safe? Which is located where?

13 A. In David Willis's residence.

14 MR. LEARY: Your Honor, at this time, the Government
15 would move to have the second constitution that was seized from
16 David Willis's safe entered into evidence as Government's
17 Exhibit 23.

18 MR. TURNER: Same objection, Your Honor, I have to
19 relevancy. And, at some point, this is becoming cumulative;
20 and I don't understand why we need another one, but --

21 THE COURT: Is it the same document as 22?

22 MR. LEARY: No, it's not, Your Honor. It's a
23 different document. In fact, there's an address on the top --
24 on the front of it --

25 BY MR. LEARY:

1 Q. I'll hand this back to you. The address on the e-mail,
2 who is it?

3 A. It's from Frank Owens at stateraised13@yahoo.com.

4 Q. Thank you.

5 MR. SUMRALL: Your Honor, to which we would object on
6 the ground it has not been authenticated and is not proper to
7 be admitted into evidence.

8 THE COURT: Okay. The objection's overruled.

9 MR. LEARY: Thank you, Your Honor. At this time, the
10 Government would move to have the document entered into
11 evidence as Government's Exhibit 23.

12 (EXHIBIT NO. G-23 WAS RECEIVED INTO EVIDENCE)

13 BY MR. LEARY:

14 Q. Now, Mr. Douglas, were photos taken of Mr. David Willis at
15 the time of the search warrant?

16 A. Yes, sir.

17 Q. Can you identify those pictures for me?

18 A. (Perusing document). This is David Willis, Leprechaun.

19 Q. And what do you see there tattooed on his chest?

20 A. It's an Aryan Brotherhood brand, the old brand.

21 Q. The old Aryan Brotherhood brand?

22 A. Yes, sir.

23 MR. LEARY: Your Honor, at this time, the Government
24 would move to have the picture of David Willis with the Aryan
25 Brotherhood brand entered into evidence, the two pictures as

1 the next numbered Government exhibit.

2 MR. TURNER: I'm sorry, Your Honor. I certainly
3 don't understand the relevance of this. It doesn't apply to
4 either defendant that I can tell.

5 THE COURT: I just can't understand you.

6 MR. TURNER: I'm sorry, Your Honor. I don't
7 understand how this is relevant at all to either defendant, and
8 it's definitely more prejudicial than probative.

9 THE COURT: Okay. Let's come up to the sidebar.

10 (DISCUSSION AT SIDEBAR OUTSIDE THE HEARING OF THE JURY)

11 MR. LEARY: Your Honor, that's a picture of David
12 Willis; but what's probative is the picture of the Aryan
13 Brotherhood tattoo or brand on his chest. There's been a lot
14 of talk about what the brand is. I was going to show a
15 picture.

16 Also, Your Honor, Mr. Josh Turner keeps making speaking
17 objections in this case; and I would just respectfully assert
18 that this is a conspiracy case. We have over a dozen people
19 charged in this case who have all pled guilty. They're the
20 last two standing, so evidence of the conspiracy is relevant to
21 the last two standing. And I would object to the speaking
22 objections that are continuing.

23 MR. SUMRALL: Your Honor, on behalf of Mr. Owens, I
24 would join in the relevance of this. This has no probative
25 value as regards to these two defendants whatsoever, whether or

1 not this man was a member of the Aryan Brotherhood or not.

2 There is no relevance connecting this to the charges that are
3 against either defendant.

4 MR. TURNER: That was my point, Your Honor.

5 THE COURT: Yeah. There again, given this conspiracy
6 charge and the enterprise being named as the Aryan Brotherhood,
7 the Court's of the opinion that this is in fact relevant. The
8 objection's overruled.

9 MR. LEARY: Thank you, Your Honor.

10 (END OF DISCUSSION AT SIDEBAR OUT OF HEARING OF THE JURY)

11 MR. LEARY: Your Honor, at this time, the Government
12 would move to have the picture of David Willis and his brand
13 entered into evidence as Government's Exhibit 24.

14 THE COURT: Very well.

15 MR. LEARY: It's a cumulative exhibit, Your Honor.
16 There were two pictures here. One's a close-up of the Aryan
17 Brotherhood tattoo. May I publish it?

18 THE COURT: Yes. It's admitted into evidence.

19 (EXHIBIT NO. G-24 WAS RECEIVED INTO EVIDENCE)

20 BY MR. LEARY:

21 Q. Who's that a picture of, Mr. Douglas?

22 A. That's David Willis.

23 Q. And what am I publishing right there?

24 A. That's an Aryan Brotherhood brand.

25 Q. And what is that right there?

- 1 A. A swastika.
- 2 Q. And can you tell what that number is?
- 3 A. Thirteen.
- 4 Q. And right here?
- 5 A. Six.
- 6 Q. And right here?
- 7 A. Lightening bolts.
- 8 Q. Based on your experience in this investigation, is that
- 9 what the old AB brand looked like?
- 10 A. Yes, sir.
- 11 Q. Now, during the course of this investigation, Mr. Douglas,
- 12 did you become aware of an assault that took place in Marshall
- 13 County?
- 14 A. Yes, sir.
- 15 Q. And who was the victim of that assault?
- 16 A. Jeremy Bailey.
- 17 Q. Now, as a result of that assault, did it affect your
- 18 investigation?
- 19 A. Yes, sir. It -- in essence, Perry Mask was relocated from
- 20 there, Marshall County, to Parchman due to this event.
- 21 Q. Okay. So Perry Mask got moved?
- 22 A. Yes, sir.
- 23 Q. And, after Perry Mask was moved from Marshall County, he
- 24 was moved to where?
- 25 A. Parchman Penitentiary.

1 Q. And, at that time, when Perry Mask was moved, how did that
2 affect the investigation?

3 A. We had started looking at the number he had in Marshall
4 County. So, whenever they moved him, we knew that he wasn't
5 going to carry the phone with him. So, whenever he got
6 transferred to Marshall -- I mean, to Parchman, we had to
7 establish the new number.

8 Q. Now, after Perry Mask was moved to Marshall County, were
9 you able to determine his phone number?

10 A. His new number in Parchman?

11 Q. Yes.

12 A. Yes, sir, we were.

13 Q. And were you able to obtain a court-authorized wire
14 intercept on that number?

15 A. Yes, sir, we were.

16 Q. And the first court-authorized wire intercept of Perry
17 Mask lasted for about how long?

18 A. About ten days.

19 Q. Okay. And, after that period, was a second
20 court-authorized wire intercept obtained?

21 A. After the first phone was dropped, we had to identify the
22 new number. Once we identified that, we wrote again; got the
23 second line.

24 Q. About how long did it take you to identify the new number?

25 A. I guess it was about 3 or 4 days before we were able to

1 identify it.

2 Q. And, thereafter, you were able to obtain a subsequent wire
3 intercept order?

4 A. Yes, sir.

5 Q. And the target of that wire intercept was who?

6 A. Perry Mask.

7 Q. Was the wire intercept successful?

8 A. Yes, sir, it was.

9 Q. Now, after -- on the second court-authorized wire
10 intercept, did that particular intercept lead to arrest?

11 A. Yes, sir, it did.

12 Q. Okay. Based on listening to the court-authorized wire
13 intercept, you determined that Perry Mask was picking up
14 methamphetamine from where?

15 A. It was in El Cajon, California.

16 Q. And, pursuant to that determination, explain to the ladies
17 and gentlemen of the jury whether or not you were able to track
18 that phone?

19 A. We tracked -- well, Perry's phone was in Parchman; it
20 wasn't going anywhere. We had -- he had an associate, Tim
21 Deshazier, who we had done the warrant on. He went to
22 California for Mr. Mask, along with an individual -- Mike Smith
23 and Mike McPherson. They traveled to El Cajon in the
24 original -- the first Title III intercept.

25 Perry was trying to get drugs from the Mexico area. And

1 we knew, from that, that he was going to use "Tennessee." So
2 whenever we were up on that line, we knew who he would be using
3 to go make a trip.

4 So what we did was petition the court to ping Tim
5 Deshazier's phone, Tennessee; and that's what we did, we pinged
6 his phone. That gave us a GPS location of that phone, where it
7 was at. So we tracked it on the way back and was able to stop
8 it in Arkansas.

9 Q. So you tracked the phone from where to where?

10 A. California back to Arkansas.

11 Q. Okay. And, so, after -- were you listening to the
12 intercepted calls while this was taking place?

13 A. Yes, sir.

14 Q. Were the parties discussing this methamphetamine
15 transaction?

16 A. Yes, sir.

17 Q. And you were able to track the phone back from California
18 through where?

19 A. All the way across the country to Arkansas.

20 Q. And in Arkansas is where you decided to do what?

21 A. We took it down.

22 Q. Okay. And was the car stopped?

23 A. It was a van. Yes, sir, it was.

24 Q. And who was in the van?

25 A. It was Tim Deshazier, Mike Smith, Mike McPherson.

1 Q. And how much money were you expecting -- excuse me -- how
2 much methamphetamine were you expecting Mask to purchase in
3 California?

4 A. Five pounds.

5 Q. And how much meth was actually seized from the van?

6 A. Approximately 5 pounds.

7 Q. Is that a lot of meth or a little bit?

8 A. That's a lot for Mississippi.

9 Q. Now, after the 5-pound meth seizure, did the three
10 continue; or did it stop at that point?

11 A. We made a determination, once we hit the package, to take
12 down the Title III. We knew, from the intercepts, that Perry
13 had been talking about getting more phones. The one he was up
14 on, he was having trouble with the jammer, cell phone jammer
15 that they have inside the facility; so he was talking about
16 getting another phone.

17 So, even though he was making conversations about going
18 back out there -- coming here and selling the dope, going back
19 for more, in a short period of time, we decided to hit this
20 because he could drop the line; and we not know anything that's
21 happening. So we went ahead and -- we didn't want the 5 pounds
22 to hit the street.

23 Q. Why didn't you want the 5 pounds to hit the street?

24 A. Well, just like we attempted to recover the guns. Guns,
25 drugs, Aryan Brotherhood violence, that's just a recipe for

1 disaster. So what's --

2 THE COURT: What's a kilo of meth? How much -- two
3 point what?

4 THE WITNESS: That's -- 2.2 pounds is a kilo, Your
5 Honor.

6 THE COURT: Okay. So 5 pounds is more than two
7 kilos?

8 THE WITNESS: Yes, sir.

9 THE COURT: Very well. Excuse me.

10 BY MR. LEARY:

11 Q. Based on your experience, about how much is an ounce of
12 meth worth purchased wholesale?

13 A. Well, he was paying -- Perry was paying -- I believe the
14 final price was \$425 an ounce in California, and that doesn't
15 count what he paid for the van and the guys going back and
16 forth. The Mexican guys, Padro Alvarez and his brother, was
17 around \$1,000 an ounce.

18 And the dis -- well, we discovered Jackson, too, was a
19 source. Michael McLemore with Stephen Ochoa. He was getting
20 methamphetamine from Jackson as well. He was paying
21 anywhere -- I think he paid 16,000 a pound to 23,000 a pound.

22 Q. He was paying for it, 16 to 23,000 dollars a pound?

23 A. Correct.

24 Q. And, based on your experience and training, how much could
25 he sell that for?

1 A. Inside the facility, Perry Mask told me he could make
2 approximately 4,000 an ounce.

3 Q. And Mask was obtaining his methamphetamine in the free
4 world on a significant basis from -- did you say Jackson,
5 Mississippi?

6 A. That is correct.

7 Q. And who was that in Jackson, Mississippi?

8 A. It was a guy by the name of Michael McLemore. He was
9 getting his narcotics from a guy by the name of Stephen Ochoa.

10 Q. And have they been convicted in this case?

11 A. They have been.

12 Q. And where else was he getting his methamphetamine?

13 A. It was from Padro Alvarez, who happened to be in the
14 Marshall County facility with -- in another pod with Frank
15 Owens and Perry Mask. His brother, I believe, was Hector
16 Alvarez, who was on the Mexican/U.S. border.

17 Q. And the final location where Mask was obtaining his
18 methamphetamine was where?

19 A. California.

20 Q. The last place?

21 A. California.

22 Q. California? And that's when you took it down?

23 A. Correct.

24 Q. Is 5 pounds too much to let go on the street?

25 A. It is.

1 Q. Now, who was William Carroll?

2 A. William Carroll is "CC." He is the central region
3 captain.

4 Q. So we've just talked about the northern region captain in
5 2013 was who?

6 A. That's David Willis, Leprechaun.

7 Q. And the central region captain was who?

8 A. Carroll, CC.

9 Q. William Carroll? Street name?

10 A. CC.

11 Q. And how was CC participating with Perry Mask in
12 methamphetamine trafficking?

13 A. CC was originally out in the free world. He was arrested
14 in the Jackson area. They tried to perform a traffic stop on
15 him; he took off running. He eventually had an accident. They
16 seized several ounces of methamphetamine from him, as well as a
17 weapon after a standoff. They locked him up in Jackson. And,
18 once he got in the facility in Jackson, he got a phone; and he
19 started talking to Perry.

20 Q. Is that what led to the California seizure?

21 A. That's what led to the California seizure.

22 Q. Now, has Mr. William Carroll -- he been convicted in this
23 case?

24 A. He has.

25 Q. Now, you said Stephen Ochoa and Michael McLemore were the

1 meth suppliers from Jackson, Mississippi. Correct?

2 A. Correct.

3 Q. And they've been convicted in this case?

4 A. In a case connected in the Jackson area.

5 Q. And about how much meth was seized from them?

6 A. Approximately 20 pounds of meth.

7 Q. Now, Mister -- I'm just going to ask you questions about
8 where the investigation went. Did the investigation end in
9 November of 2013 with the seizure of the methamphetamine from
10 the "Tennessee" seizure in Arkansas?

11 A. No, sir.

12 Q. Well, why didn't you just stop it right there, because you
13 already had a successful investigation?

14 A. We had -- once the investigation started, and we were
15 pursuing the weapons, and we knew about the drugs from Jackson
16 coming up to Mask, we started having statewide meetings. The
17 prosecution team, along with agents with DEA, ATF, state, and
18 locals joined in Jackson, Mississippi, to discuss the Aryan
19 Brotherhood.

20 We were identified that the coast had been looking at a
21 homicide that happened down there, a murder. And that that
22 case --

23 MR. SUMRALL: Your Honor, I would object to this line
24 of questioning. This is calling for hearsay testimony from him
25 that he's received from other agents.

1 THE COURT: Yes, sir. I think that's correct. I
2 believe -- if it's based on something he was told by other
3 agents, the objection's well-taken.

4 MR. LEARY: Thank you, Your Honor.

5 BY MR. LEARY:

6 Q. Did the investigation expand after that point?

7 A. Yes, sir, it did.

8 Q. Let's see. About how much methamphetamine did your
9 investigation reveal that Mask was receiving from Mexico or
10 Texas?

11 A. He was getting -- I believe he got a pound the first time,
12 a pound the second, and then --

13 Q. About how much was he getting from the Jackson area?

14 A. It started off at low amounts and then went to pounds. He
15 was getting pounds from the Jackson area.

16 Q. Thank you.

17 MR. LEARY: May I approach co-counsel, Your Honor?

18 THE COURT: Yes.

19 (Off-the-record discussion)

20 BY MR. LEARY:

21 Q. Mr. Douglas, based on your investigation, at any time from
22 2009 through 2000 -- the end of 2013, are you aware of the
23 Aryan Brotherhood ever ceasing operations?

24 MR. TURNER: Object to the leading.

25 BY MR. LEARY:

1 Q. Are you aware of whether --

2 THE COURT: Wait a minute. Okay. You -- when did
3 the -- just ask when.

4 MR. LEARY: Yes, Your Honor.

5 BY MR. LEARY:

6 Q. When, if ever, did the Aryan Brotherhood cease operations
7 between 2009 --

8 A. They have not.

9 MR. LEARY: No more questions, Your Honor.

10 THE COURT: The answer was I don't know?

11 THE WITNESS: They have not stopped.

12 THE COURT: Oh, they have not. Okay. Have not
13 ceased now.

14 Okay. Mr. Sumrall.

15 MR. SUMRALL: May I approach the witness, Your Honor?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. SUMRALL:

19 Q. Mr. Douglas, I hand you what's been marked as Exhibit
20 No. 23.

21 A. Yes, sir.

22 Q. And you said that that had come from Frank Owens; is that
23 correct?

24 A. The e-mail?

25 Q. The e-mail, yes, sir.

1 A. It says from Frank Owens, stateraised13@yahoo.com.

2 Q. Did you verify that in any way or just simply rely on what
3 it said on that?

4 A. I know that the Government did contact Yahoo, and I'm not
5 sure if we did warrants on Yahoo or whether or not they came
6 back. Another agent was involved with that, so I don't know
7 what that answer is.

8 Q. So you don't know anything about that?

9 A. No, sir.

10 Q. You don't know whether that was verified at all, do you?

11 A. I do not.

12 Q. Okay.

13 MR. SUMRALL: Nothing further, Your Honor.

14 THE COURT: Mr. Turner -- wait just a minute. Let's
15 let Mr. Sumrall go back to counsel table.

16 Mr. Turner.

17 CROSS-EXAMINATION

18 BY MR. TURNER:

19 Q. Agent Douglas, as part of your training, which seems very
20 extensive, was any of that study done on the effects of
21 methamphetamine on the human brain?

22 A. I haven't -- I don't -- I've never had it where they sit
23 there and tell you what the -- a doctor, what its effects are,
24 no, sir.

25 Q. Would you agree with me that you did not witness

1 Mr. Parker commit any crime that you were just discussing?

2 A. No, sir, I did not.

3 Q. Okay. Thank you.

4 MR. TURNER: That's all I have, Your Honor.

5 THE COURT: Any redirect, Mr. --

6 MR. LEARY: No redirect, Your Honor.

7 THE COURT: Okay. Ladies and gentlemen of the jury,

8 it's 20 minutes of five. I think we'll recess for the day.

9 Remember, do not discuss the case among yourselves, do not
10 permit anyone to discuss it with you. Have a pleasant drive;
11 we've got some daylight left. The jury's excused. I ask
12 everybody else to remain in the courtroom.

13 (JURY OUT AT 4:35 p.m.)

14 THE COURT: Okay. If you'll have a seat, please.

15 The Court wants to speak briefly to the exhibits 22, 23, and
16 24, being the exhibits seized from the residence of one David
17 Ladrone Willis, also known as Leprechaun's residence, I
18 believe, up in -- was it in Tennessee? That's correct, isn't
19 it?

20 MR. LEARY: Yes, Your Honor.

21 THE COURT: Yes. Okay. In reviewing the indictment,
22 Count 1 of the indictment, this David Willis, Leprechaun, is
23 named in Count 1 of the indictment, the conspiracy count; and,
24 also, the dealing in firearms, particularly stolen firearms,
25 and also methamphetamine are listed as overt acts committed in

1 furtherance of the conspiracy.

2 The Court admitted copies of this constitution,
3 purportedly the Aryan Brotherhood constitution, also a
4 photograph of Mr. Willis depicting the Aryan Brotherhood patch,
5 tattoo, on his chest.

6 The Court is of the opinion that given the allegations in
7 Count 1 of the indictment in this cause the fact that this man,
8 Willis, is named as a coconspirator and the fact that
9 methamphetamine dealing and dealing in stolen firearms are
10 listed overt acts in the conspiracy -- the Court is of the
11 opinion that evidence pertaining to methamphetamine and
12 firearms and identification of the Aryan Brotherhood are items
13 that are relevant to the conspiracy; that the acts were
14 committed in furtherance of the conspiracy.

15 And the Court is of the opinion that, pursuant to Federal
16 Rule of Evidence 104, the exhibits are relevant; and, also, in
17 applying the balancing test of Federal Rule of Evidence 403,
18 the Court is of the opinion that the admitting of these
19 exhibits, No. 22, 23 and 24, into evidence -- that the
20 probative value, given the charge, the conspiracy --
21 racketeering conspiracies specified in Count 1, that the
22 probative value outweighs any unfair prejudice.

23 Therefore, the Court supplements its previous ruling as to
24 relevancy of these exhibits. Now, with that said, ladies and
25 gentlemen, we'll be in recess until nine o'clock in the

1 morning.

2 (Proceedings recessed overnight at 4:39 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Rita Davis Young, Federal Official Realtime Court Reporter, in and for the United States District Court for the Northern District of Mississippi, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter; and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 29th day of August, 2016.

/s/ Rita Davis Young
RITA DAVIS YOUNG, FCRR, RPR, CSR #1626
Federal Official Court Reporter